Draft Licensing Policies:

Private Hire Vehicle

Hackney Carriage Vehicle

Private Hire Operators

Hackney Carriage/Private Hire Drivers



Document Control

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1. Glossary of Terms

Authorised Officer A person who is designated by the Authority to deal with matters of licensing and enforcement functions.

Council/Licensing Authority
Stratford-on-Avon District Council.

DVLA Driver and Vehicle Licensing Agency responsible for maintaining the registration and licensing of drivers and vehicles in Great Britain.

DVSA Driver and Vehicle Standards Agency, an executive agency sponsored by the Department for Transport. Its role is different from the DVLA. The DVSA is responsible for improving road safety by setting and enforcing driving and vehicle standards.

Licensing Panel A sub-committee of the Council's Regulatory Committee consisting of three elected members who hear and determine matters referred to it relating to the Council's activities as Licensing Authority.

Dual Driver Licence A licence authorising an individual to drive both hackney carriage and private hire vehicles.

Hackney Carriage (Taxi) A vehicle licensed for hire or reward for public hiring and may use taxi ranks or is flagged down in the street.

Private Hire Vehicle A vehicle that is licensed for pre-booked journeys only. Bookings must be made through an operator. It may not use taxi ranks or be flagged down in the street.

Private Hire Operator A business authorised to accept and dispatch private hire vehicles. All private hire vehicle must be operated through a licensed private hire operator.

Proprietor Has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976. This includes a part-proprietor. If the vehicle is subject to a Hire Purchase agreement, it means the person in possession of that vehicle under such agreement.

WAV Wheelchair Accessible Vehicles

ICO The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The ICO is the UK's regulatory office responsible for protecting the personal data and privacy rights, ensuring that businesses handle personal data lawfully, fairly and transparently.

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NAFN	National Anti-Fraud Network. NAFN is a not-for-profit organisation that supports public sector bodies in combating fraud and crime by providing access to a wide range of data and intelligence service.
Licensed Area	The area covered by Stratford-on-Avon District Council.
LPG / CNG	Liquefied Petroleum Gas / Compressed Natural Gas
Delegated Authority	The power given by a council under its constitution to officers, committees, or individual councillors to make decisions on its behalf, within agreed limits and rules.
Knowledge Test	A knowledge test is an assessment administered by the licensing authority to evaluate whether an applicant has an adequate understanding of local geography, licensing conditions, road safety, and other relevant requirements necessary to operate as a licensed taxi or private hire driver.
Certificate of Good Character/Conduct	A Certificate of Good Conduct is an official document confirming an individual's criminal record or absence of convictions, often used to verify good behaviour for legal, professional, or immigration purposes.
FPN	Fixed Penalty Notice. A fixed penalty notice is a legal notice that offers an individual the opportunity to pay a fine for an alleged offence, thereby avoiding prosecution and a potential conviction.

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2. Introduction

Stratford-on-Avon District Council is responsible for the licensing of Hackney Carriages (taxis) and Private Hire drivers, vehicles and operators.

The legislation governing this includes:

- Town and Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985
- Road Traffic Act 1991
- Road Safety Act 2006
- Taxi and Private Hire Vehicles (Disabled Persons) Act 2022

These laws ensure that:

- Drivers are fit and proper.
- Vehicles are safe, suitable and reliable.
- Operators comply with booking and operating standards.
- Accessibility and reduced discrimination for disabled passengers.

3. Background

Why we have a policy

This Policy will guide the way in which the Council carries out its regulatory functions as a Licensing Authority and exercises its discretion regarding the same. However, each application or enforcement action will be considered on its own merits.

In carrying out its regulatory functions as a Licensing Authority, the Council will have regard to this Policy when making decisions regarding Taxis and Private Hire vehicles, drivers and operators. Where it is necessary to depart from this Policy, clear and compelling reasons will be given for doing so.

This Policy will take effect from the **[INSERT DATE]** and will apply to existing licences and new applications received from the date the Policy takes effect.

4. Aim of Policy

The aim of this Policy is to:

- Ensure the protection, public safety and safeguarding of all persons using vehicles licensed by this Council, ensuring that only fit and proper persons are licensed and that vehicles are safe and appropriate for public use.

- Provide clear guidance to applicants and licence holders on the requirements for obtaining and maintaining licences, including standards of conduct, safety, and vehicle suitability.

- Provide a sufficient number of Wheelchair Accessible vehicles in accordance with the Equality Act 2010 and Taxi and Private Hire Vehicles (Disabled Persons) Act 2022.

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- Ensure that licensed vehicles meet emissions standards and encouraging the use of low pollutant vehicles.
- Ensure consistency and transparency in decision-making, so that licensing decisions are made in a fair, proportionate, and accountable manner.
- Support effective enforcement, enabling the Council to take appropriate action where standards are not met.

It is the Council's wish to facilitate well-run and responsible businesses that display sensitivity to the needs of the public. In doing so, the Council recognises the importance of licensed Taxi and Private Hire vehicles to the local economy. The aim of the licensing process is to regulate the trade in order to promote these objectives. In exercising its discretion in carrying out its regulatory functions as a Licensing Authority, the Council will have regard to this Policy document and the aims set out above.

5. Consultation

This Policy has been subject to a 12-week public consultation.

In formulating this Policy, the Council has consulted the following stakeholders:

- Chief Constable of Warwickshire Police
- Warwickshire Fire and Rescue Service
- Disability representatives
- Neighbouring and other Licensing Authorities
- Licence Holders – vehicle
- Licence holders – driver
- Licence holders - operator
- National Taxi and Private Hire Association
- Warwickshire County Council – Transport Operations (school contracts)

Regard has also been given to the following:

- Department for Transport best practice guidance Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK
- Department for Transport Statutory taxi and private hire vehicle standards - GOV.UK
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 - GOV.UK (DfT Guidance)
- Institute of Licensing Suitability Guidance 2024
- The Public Sector Equality Duty under the Equality Act 2010 and Government's guidance for public authorities in respect of this duty.

6. Review of the Policy

This Policy will be reviewed every five (5) years. As well as the five-yearly reviews, we will continue to evaluate the Policy and may update it at any time following sufficient notice or consultation.

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7. Data Protection

Where necessary, Stratford-on-Avon District Council may share personal data with relevant external organisations, agencies, or authorities for the purpose of verifying information and assessing an applicant's or licence holder's fitness and propriety. Such sharing will only take place where it is lawful, necessary, and proportionate to do so.

Personal data provided to the Council will be used to assess applications, administer and manage any licence issued, and assist in the consideration of any future applications made by the individual. The Council processes this information in accordance with its statutory duties and obligations.

Personal data will be retained for the duration of any licence issued by Stratford-on-Avon District Council. Following the expiry of a licence, personal data will be securely retained for a period of six years and will then be securely destroyed in accordance with the Council's retention and disposal procedures.

Individuals have the right to access their personal data and to complain if they believe their data is being processed incorrectly. They may also have other rights under data protection legislation, including the right to request that inaccurate personal data is corrected or, where applicable, erased.

For full details of your information rights, please refer to the Council's Privacy Notice available at **www.stratford.gov.uk**.

Details of the Council's Data Controller and Data Protection Officer, together with further information about how personal data is processed, are available within the Council's Privacy Notice.

National Register of Taxi and Private Hire Licence Refusals, Revocations and Suspensions (NR3)

The details of any driver whose driver's licence application is refused, or whose driver's licence is suspended or revoked by the Council, will be entered onto the National Register of Taxi and Private Hire Licence Refusals, Revocations and Suspensions (NR3), which is maintained by the National Anti-Fraud Network (NAFN).

In addition, all applicants will be checked against the NR3 register and, where a matching record is identified, the Council will request further information from the relevant licensing authority or authorities, as permitted under the Data Protection Act 2018.

Information Commissioner's Office (ICO)

Under the Data Protection (Charges and Information) Regulations 2018, individuals and organisations that process personal data are required to pay a data protection fee to the Information Commissioner's Office (ICO), unless an exemption applies.

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Private Hire Operators are required to register with the ICO because they process personal data as part of their business activities.

Any licensee who is unsure whether they are required to register with the ICO should contact the Information Commissioner's Office for advice on **0303 123 1113** or visit **www.ico.org.uk**.

8 Contacts

The Council's licensing function is part of the Environmental and Neighbourhood Services [and administered by the Licensing Team].

Our address is:

The Licensing Team
Stratford-on-Avon District Council
Elizabeth House, Church Street
Stratford-upon-Avon
Warwickshire CV37 6HX

To ask about any licensing issue, first contact the **council's customer service team 01789 260211**, who will log a request for the licensing team to respond to.

or visit our website: **www.stratford.gov.uk**, or via email on **licensing@stratford-dc.gov.uk**

9 The difference between a Hackney Carriage Vehicle and a Private Hire Vehicle

Hackney Carriage (taxi)

- A Hackney Carriage Vehicle does not require booking.
- The vehicle can ply for hire (be hailed) in the street or from a designated taxi rank.
- Drivers can work independently and do not need an operator licence.
- Vehicles must have a calibrated taxi meter and a table of fares on display within the vehicle.

Private Hire

- Private Hire Vehicles must be pre-booked through a Private Hire Operator.
- Private Hire Vehicles are not allowed to ply for hire (be hailed) or pick up from designated taxi ranks.
- Private Hire Vehicles may or may not have a meter installed. If a meter is installed the meter must be used for each journey and as such the price of the journey must not exceed the price calculated and shown on the meter.

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10. What to expect from your driver

If you are in a Hackney Carriage (taxi) the driver will:

- Drive with due care and courtesy towards the passenger and other road users.
- Use the taximeter for journeys within the licensed area (Stratford-on-Avon District), unless a fare has been agreed in advance and that fare does not exceed the metered fare
- Not activate the taximeter until the passenger is seated in the vehicle
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area, then the driver must adhere to the meter.
- Take the most time-efficient route, taking into account traffic conditions and known diversions, and explain if requested any significant deviation from the most direct route.

If you are in a Private Hire Vehicle the driver will:

- Ensure that the passenger has pre-booked and is aware of the estimated fare before setting off.
- Drive with due care and courtesy towards the passenger and other road users.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain if requested any significant diversion from the most direct route.

As a passenger you should:

- Treat the vehicle and driver with respect and obey any official notices (for example, in relation to eating, drinking and not smoking or vaping in the vehicle).
- Book with a licensed operator and request at the time of booking what the fare is likely to be.
- Ensure you have the means to pay the fare before travelling. If wishing to pay by credit or with debit card or to stop during the journey to use a cash machine, check with the driver before setting off.
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of your financial resources.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.
- Be aware that a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- If pre-booked, confirm with the driver before entering the vehicle their booking.

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- Note the licence number of the vehicle and the licence number of the driver. All Stratford-on-Avon District Council licensed vehicles will have a plate attached externally at the rear, either below or to the side of the vehicle registration plate, and a small licence displayed in the front of the vehicle. The driver must wear an identification badge. There should also be a driver badge displayed on the front dashboard of the vehicle, showing the driver's name and licence number and visible to passengers.
- If travelling alone, let a third party know details of your journey.
- Arrange to be picked up from a safe meeting point.

Further guidance on passengers staying safe can be found in the Statutory Taxi and Private Hire Vehicles Standards.

11. Lost Property

- Drivers must check vehicles for lost property at the end of each journey or shift.
- Found property must be returned to the owner where possible.
- Property must be handed to the operator or the police within 72 hours.
- Operators must maintain a lost property register recording items found, returned, claimed, or disposed of.

12. Accessibility Duties under the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 and Equality Act 2010

This Policy is intended to support compliance with the Equality Act 2010 as amended by the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. The Council expects all licensed drivers, proprietors and operators to provide services that are accessible, non-discriminatory and delivered with dignity and respect to disabled passengers.

In accordance with section 167 of the Equality Act 2010, the Council will maintain and publish a list of licensed Hackney Carriage and Private Hire Vehicles that are designated as wheelchair accessible vehicles. For the purposes of this Policy, a designated wheelchair accessible vehicle is one in which a wheelchair user can travel while remaining seated in their wheelchair.

The current list of designated wheelchair accessible vehicles is available on the Council's website:

List of Wheelchair Accessible Vehicles | Stratford-on-Avon District Council

Duties applying to all licensed drivers

All licensed Hackney Carriage and Private Hire drivers must comply with the duties placed on them by the Equality Act 2010. These duties apply to disabled passengers generally, not only to wheelchair users, and apply whether or not the vehicle is a designated wheelchair accessible vehicle.

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All licensed drivers must:

- Carry any disabled passenger and not refuse carriage because of disability unless a lawful exemption applies.
- Carry a passenger's wheelchair, where the passenger is not travelling in it, and carry any mobility aids, provided this is possible and safe.
- Take such steps as are reasonable to ensure the passenger is carried in safety and reasonable comfort.
- Give such mobility assistance as is reasonably required.
- Provide reasonable assistance to a disabled passenger to identify and find their vehicle where the driver is made aware that such assistance is required.
- Not make, or propose to make, any additional charge for complying with these duties.

Additional duties for designated wheelchair accessible vehicles

Where a vehicle appears on the Council's list of designated wheelchair accessible vehicles, the driver must also comply with the specific duties that apply to wheelchair users travelling in that vehicle.

- Carry the passenger while in their wheelchair if the passenger chooses to remain seated in it and the wheelchair can be carried safely.
- If the passenger chooses to transfer to a passenger seat, carry the wheelchair.
- Provide such assistance as is reasonably required to enable the passenger to get into and out of the vehicle, including while in the wheelchair where appropriate, and to load the wheelchair and any mobility aids.
- Not make, or propose to make, any additional charge for complying with these duties.

Assistance dogs

Drivers of Hackney Carriages and Private Hire Vehicles must carry assistance dogs accompanying disabled passengers and must not make any additional charge for doing so. Drivers must not refuse or avoid a booking because a passenger will be accompanied by an assistance dog unless a valid medical exemption applies.

An assistance dog is not a pet, but a working service animal that has been trained to support a disabled person. To be recognised as an assistance dog, the dog must be certified by an organisation that is a full member of Assistance Dogs International (ADI) or the International Guide Dog Federation (IGDF). This includes dogs that are fully trained or currently undergoing recognised training.

To demonstrate this status, either:

- the dog may be wearing an identifying harness or jacket, or
- the handler may carry official certification documents.

There is however no legal requirement for a dog to wear a harness or jacket, and a driver must not request documentation as a condition of carriage.

Please note that emotional support animals do not meet the legal definition of an assistance dog.

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Private hire operator duties

Private hire operators must not refuse to accept a booking because the passenger is disabled and must not prevent a driver from carrying out the duties imposed by the Equality Act 2010. Operators should take reasonable steps at the point of booking to identify any accessibility requirements so that an appropriate vehicle and service can be provided.

Medical exemptions

A driver may only be exempt from the relevant duties where the Council has issued a valid exemption certificate on medical grounds or because the driver's physical condition makes compliance impossible or unreasonably difficult. An application for exemption must be accompanied by a recent medical report from the applicant's GP, consultant, or treating hospital, providing details of the medical condition and supporting the need for the exemption. Any exemption notice issued by the Council must be displayed as required whenever the exempt driver is working.

Failure to comply with these duties may amount to a criminal offence under the Equality Act 2010 and will also be treated by the Council as relevant to whether a driver or operator remains fit and proper to hold a licence. The Council may therefore investigate complaints and take appropriate enforcement action, including review, suspension, revocation or prosecution where justified.

13. Safeguarding Training

The Licensing Authority is committed to ensuring that passengers are transported safely, with dignity and respect. As part of its safeguarding duty, the Licensing Authority requires all drivers to complete approved safeguarding training to help them:

- Recognise indicators of abuse, exploitation, and neglect.
- Understand their legal and ethical responsibilities.
- Know how and when to report safeguarding concerns.
- Respond appropriately and confidently to disclosures or risk indicators.

New applicants must successfully complete the Licensing Authority's approved Safeguarding Awareness Training before a driver's licence will be granted.

Existing licence holders must successfully complete the approved Safeguarding Awareness Training before renewing their driver's licence for the first time following the commencement of this Policy.

An application for the grant or renewal of a driver's licence will not be deemed complete unless it is accompanied by a valid certificate demonstrating successful completion of the approved Safeguarding Awareness Training.

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Drivers must complete refresher safeguarding training every three (3) years, in line with the renewal of their Hackney Carriage and Private Hire (Dual) Driver's Licence, to ensure their knowledge remains current and up to date.

Training certificates will remain valid for a period of three (3) years from the date of completion. Training completed more than three (3) years before the date of application will not be accepted.

Drivers must provide acceptable evidence of training completion which must include the:

- Driver's name
- Course title
- Date of completion
- Training provider

Evidence of completion must be submitted with the driver's application to renew their Dual Driver's licence.

Failure to complete training within the required timeframe will be considered a breach of licence conditions and may result in:

- Licence suspension
- Refusal to renew
- Revocation in serious or repeated cases.

**Please note that drivers are responsible for meeting the full cost of this training.*

14. Disability Awareness Training

This Policy ensures that all taxi and Private Hire drivers are equipped with the knowledge, skills, and confidence to safely and respectfully transport passengers with disabilities. Drivers are expected to understand their legal obligations and provide a consistently high standard of accessible service.

All new licence applicants must successfully complete the Licensing Authority's approved Disability Awareness Training before a licence is granted.

The course will cover:

- Understanding different types of disabilities
- Communication techniques
- Safe assistance and handling of mobility aids
- Legal obligations under the Equality Act 2010

New applicants must successfully complete the Licensing Authority's approved Disability Awareness Training before a driver's licence will be granted.

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Existing licence holders must successfully complete the approved Disability Awareness Training before renewing their driver's licence for the first time following the commencement of this Policy.

An application for the grant or renewal of a driver's licence will not be deemed complete unless it is accompanied by a valid certificate demonstrating successful completion of the approved Disability Awareness Training.

Drivers must complete refresher approved Disability Awareness Training every three (3) years, in line with the renewal of their Hackney Carriage and Private Hire (Dual) Driver's Licence, to ensure their knowledge remains current and up to date.

Training certificates will remain valid for a period of three (3) years from the date of completion. Training completed more than three (3) years before the date of application will not be accepted.

Failure to complete training within the required timeframe will be considered a breach of licence conditions and may result in:

- Licence suspension
- Refusal to renew
- Revocation in serious or repeated cases

Immediate action may be taken if a driver's conduct indicates a misunderstanding of duties relating to disabled passengers.

**Please note that drivers are responsible for meeting the full cost of this training.*

15. Carriage of Under 3s

It is the Council's Policy that children under the age of three (3) count towards the licensed capacity of the vehicle, even if the child is not using a seat belt nor car seat. Drivers must refuse carriage if the number of passengers will exceed the limit on the vehicle licence. Operators must refuse a booking if they are aware that the number of passengers will exceed the licensed capacity and advise the hirer to book multiple vehicles.

Licensed drivers and operators must permit children under three (3) to travel but only in the rear of a taxi or Private Hire vehicle without a child car seat only when no suitable restraint is available, as permitted by law. Drivers are not required to supply child seats. Where a child seat is available, it must be used. Operators are encouraged to advise parents and carers that travelling without a child seat is legally permitted but not the safest option, and that bringing or requesting a suitable seat is strongly recommended.

More information on the carriage of children safely in taxis and private hire vehicles can be found here: carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf

16. CCTV and Dashcams in Licensed Vehicles

The Council is not opposed to the installation of CCTV systems or dashcams in licensed taxis and Private Hire Vehicles, recognising their potential benefits in enhancing the safety and security of both passengers and drivers.

However, where any CCTV system or dashcam is installed within a licensed vehicle, the licence holder must comply with all relevant legal requirements relating to the processing of personal data.

In particular:

- Any licensed vehicle fitted with a CCTV system or dashcam that records images and/or audio must be appropriately registered with the Information Commissioner's Office (ICO) where required; and
- The licence holder shall ensure that the use of such equipment complies with the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR).

Failure to comply with data protection requirements may be considered a breach of licensing conditions and may result in enforcement action.

17. Use of Mobile Phones, PDAs, and App-Based Systems by Licensed Drivers

The Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022 (SI 2022/81) came into force on 25 March 2022 and amended Regulation 110 of the Road Vehicles (Construction and Use) Regulations 1986, significantly tightening the rules on using hand-held mobile devices while driving.

Drivers must comply with all national legislation relating to the use of mobile phones or electronic devices while driving. No driver may use a handheld mobile phone, Personal Digital Assistant, or similar device at any time while the vehicle is in motion or while supervising passengers.

Devices may only be used if they are securely mounted in a cradle or holder and operated hands-free in accordance with road traffic law.

Devices for Accepting Bookings

Drivers may accept bookings through licensed operator apps or systems only when the device is mounted and its use does not distract, obstruct, or impair the driver's control of the vehicle.

Drivers must not hold or manually interact with the device while the vehicle is moving.

Any interaction with mounted devices must occur only when the vehicle is stationary, and such interaction must not compromise safety.

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Devices for Navigation

Devices may be used for navigation purposes when mounted in a cradle. Drivers must set routes before beginning the journey and must not manually adjust navigation settings while the vehicle is moving.

Use of Devices for Payments

A driver may use a device to process card or contactless payments when the vehicle is stationary, including at the roadside or at the end of a journey.

Devices used for payment processing must not be used for any other function unless they comply with the rules set out above.

Location and Positioning of Devices

Any device used in the vehicle must be fitted in a location that:

- Provides an **unobstructed view** to all passengers, where applicable (e.g. Displaying of the fare);
- Does **not obstruct** the driver's view of the road;
- Does **not interfere** with vehicle controls; and
- Does not cause distraction.

18. Enforcement Powers of the Licensing Authority

The Licensing Authority has a duty to ensure that all licensed drivers, operators and vehicle proprietors remain fit and proper throughout the duration of their licence. Where concerns arise about a driver's conduct, compliance, behaviour, or suitability, the Authority may take enforcement action. Enforcement decisions are made proportionately, based on the seriousness of the issue, the risk to public safety, and any previous history of non-compliance.

Consideration will also be given to the Councils Corporate Enforcement Policy

In determining whether applicants are fit and proper and considering if existing licence holders remain fit and proper officers and Licensing Panel members will refer to:

Annex 1 – Relevant Convictions and Caution Policy.

19. Dual Driver Licences

All Drivers' Licences issued by Stratford-on-Avon District Council will be **Dual Licensed**. This means that the licence will enable the driver to drive either a Hackney Carriage or a Private Hire Vehicle. Licences are only available as a three-year option. Applicants must satisfy the following criteria to be granted a licence to drive in the district.

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Legislation

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976

The legislation stated above is the primary set of laws governing the regulation of drivers of Hackney Carriages and Private Hire Vehicles.

Licensing Criteria

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that "a district council shall not grant a drivers licence to drive a Private Hire Vehicle or Hackney Carriage unless they are satisfied that an applicant is a fit and proper person".

New Applicants

Before issuing a Dual Licence, the following checks and requirements must be completed or met:

19.1 Have good conversational English. (Evidenced by Knowledge Test)

19.2 Be able to read and write in English. (Evidenced by Knowledge Test)

19.3 Be over twenty-one (21) years of age.

19.4 All driver licence applicants must hold a valid Driver and Vehicle Licensing Agency (DVLA) driving licence with entitlement to drive category B vehicles and must have held this entitlement for a minimum of twelve (12) months prior to the date of their application.

19.5 Applicants for new licences should have no more than six current penalty points endorsed against their DVLA licence. All applicants will be asked to provide a DVLA check code to enable the Licensing Authority to access their driver records. If the record shows more than six current penalty points, the application will be referred to the Licensing Panel for determination.

19.6 Applicants for new licences must have passed the Knowledge Test within the preceding six (6) months prior to submitting their application.

19.7 Applicants for new licences must pass a Driving Assessment with the Driver and Vehicle Standards Agency, (DVSA). *Applicants must make their own arrangements with the DVSA to sit the test and pay the fee direct to them. When making the application to the Licensing Authority, the pass certificate may not be more than one year old.*

19.8 The Council's medical form (which is the same as the DVLA Group II Medical Standards), completed by a doctor, must be submitted with the initial application. The next medical will take place at forty-five (45) years of age (if applicable) and thereafter every three (3) years in line with the renewal applications process until the age of sixty-five (65) years whereby the medical will take place annually.

19.9 If required, the applicant may be asked to undertake an additional examination by a medical practitioner approved by the Council.

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19.10 Applicants for new licences must have completed an approved Safeguarding Awareness Training course for taxi and Private Hire drivers prior to applying. A certificate of completion must be submitted with the application. Approved providers are detailed at **Annex 3.**

19.11 Applicants for new licences must have completed approved Disability Awareness Training prior to applying. Approved providers are detailed at **Annex 4.**

19.12 All applicants for a licence must provide an enhanced Disclosure and Barring Service (DBS) certificate that includes checks against both the adult and child barred lists. The applicant must subscribe to the DBS Update Service. Online DBS checks will be carried out every six (6) months. **A DBS certificate that is not subscribed to the Update Service will result in a licence being issued for six (6) months only, with no refund of the licensing fee. DBS certificates must be issued within the two (2) months prior to the application.**

**NB: The Rehabilitation of Offenders Act 1974 which states periods after which criminal convictions are usually considered 'spent' does not apply for Dual Drivers and all criminal matters on which information is provided, from whatever source and however old, will be considered.*

Licensing Officers will review all DBS certificates submitted with applications. If the certificate is clear (no entries), the application may proceed under delegated authority.

Any entries on a DBS certificate, including spent convictions, cautions, or relevant police intelligence will trigger a referral to the Licensing Panel for determination. This includes information that may raise concerns about the applicant's honesty, integrity or suitability.

19.13 Applicants must have a right to work in the UK. All applicants' entitlement to work in the UK will be checked via the government website.

19.14 Certificate of Good Character/Conduct. Where an applicant has been outside of the UK for three (3) or more months continuously since the age of eighteen (18), a 'certificate of Good Character or a Certificate of Good Conduct' or equivalent is required.

**NB: Where documents are not in English, a notarised translation would need to be provided by the applicant, at their own expense. Applicants who are unable to obtain a Certificate must explain why and provide references from official bodies who can confirm their conduct for their time in the country.*

See Annex 2 For more information on Certificates of Good Conduct (COFG)

For all renewal applications:

19.15 An application for renewal of a licence shall be submitted together with the appropriate fee not later than one month prior to the expiration of the current licence.

Applications submitted with less than one month's notice may result in the applicant receiving a written warning. Late applications could result in the Dual Driver's Licence not being renewed before expiry, meaning the driver will not be able to work until the new licence has been issued.

19.16 Applicants for renewal of licences must be free from new convictions, cautions, reprimands or warnings incurred since the date their last licence was granted. The Licensing Authority will verify this information through an enhanced DBS check subscribed to the Update Service and the NR3 database.

19.17 Where an applicant is over forty-five (45) years of age a medical (Group II Medical Standards), completed by a doctor, must be submitted with the renewal application. Licences will **not** be renewed until this is received showing that the applicant is deemed fit to drive by a registered doctor. When a licence holder reaches the age of sixty-five (65) years the medical will be required to take place annually (within the same month as the drivers birthday.)

Failure to provide a medical that declares the applicant fit to drive will result in their Dual Driver's Licence being formally suspended on public safety grounds.

A condition of the Dual Driver's Licence is that the driver must notify the Licensing Authority as soon as reasonably practicable and within no more than seventy-two (72) hours if they have developed a medical condition that might impair their ability to drive a motor vehicle.

See condition 6.4.

19.18 Applicants for renewal must have completed a virtual 'Safeguarding' course for taxi/Private Hire prior to the renewal application. A certificate of completeness will be required to be submitted with the application. Approved providers are detailed at **Annex 3.**

19.19 Applications for renewal must have completed 'Disability Awareness Training' prior to the renewal application. Approved providers are detailed at **Annex 4.**

Making your application

To apply for a new Dual Driver's Licence, applicants will first need to pass the Knowledge Test. To book a place please call 01789 260211. Once the Knowledge Test has been passed the applicant should work through all other requirements of the application, applying online via the link below:

Apply for a Dual Taxi Driver Licence | Stratford-on-Avon District Council

Renewal applications must also use the link above to apply to renew their driver's licence.

Fees

The fee for Dual Driver applications is made electronical at the end of the online application process.

Full details of current fees and charges are available from the Licensing Section or on the Council's website at www.stratford.gov.uk

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Licensing Panel Procedure

The Procedure and Right to Appeal

If an application for a Dual Driver's Licence falls outside the requirements set out in this Policy, the Licensing Authority will write to the applicant explaining why the application cannot be determined under delegated authority. The applicant will be advised of their right to have the matter referred to the Licensing Panel for determination.

Similarly, where an application to renew a Dual Driver's Licence falls outside the requirements of this Policy, the application will be referred to the Licensing Panel for determination.

Upon request, the applicant and his/her representative will be given the opportunity to attend a meeting before the Licensing Panel to present any information in support of their application that they feel will help members determine the application fairly. Submissions of any supporting information not already provided within the application should be submitted **at least five (5) working days prior** to the meeting date to allow for all parties to read the extra information.

Prior to the hearing the applicant will be sent a link to the agenda and Licensing Officer's written report to the Licensing Panel together with a copy of all documents or information that are to be presented to the Licensing Panel. All licensing hearings dates, agenda and minutes can be found on the Council's website: Committee details - Licensing Panel | Stratford-on-Avon District Council

The Licensing Panel will consider all relevant information depending on the facts of the case and each matter will be considered on its own merits.

Regard will be given to this Councils Relevant Convictions and Cautions Policy.

The Licensing Panel may determine to grant or refuse a new application or application for renewal of a licence, suspend or revoke a license or issue warnings.

Should the Licensing Panel refuse the application or revoke the Licence, the applicant will be notified in writing of the reasons for the decision within fourteen (14) days of the meeting.

The applicant/driver then has the right to appeal against the decision to the Magistrates' Court within twenty-one (21) days of receipt of the written decision. A further right to appeal lies to the Crown Court.

Conditions

For conditions see **Annex 5** relating to Hackney Carriages and Private Hire Drivers' Licences.

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20. Hackney Carriage Vehicle licensing criteria

Introduction

The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of users, and to prevent nuisance or annoyance.

Legislation

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976

The above legislation is used to regulate Hackney Carriages.

Applicant criteria

Applicants for new and renewal licences should be free from previous convictions and cautions, other than for minor traffic offences. The Council's Relevant Convictions and Cautions Policy will be used to determine the fitness and propriety of vehicle proprietors and applicants.

20.1 Applicants not currently licensed by Stratford-on-Avon District Council and not registered with the DBS Update Service shall be required to submit a Basic DBS certificate dated within one (1) month of the application date.

20.2 Applicants that have lived or spent an extended period (three or more continuous months) abroad since the age of eighteen (18), will be required to provide a 'Certificate of Good Conduct/Character' from the embassy/consulate/high commission of that country. Guidance on obtaining these certificates can be found here: Criminal records checks for overseas applicants - GOV.UK

20.3 Applicants must have a right to work in the UK. If you have a UK passport (either current or expired) you must provide this as proof of your right to work in the UK. If you are a British citizen but do not have a current or expired UK passport, you must provide other documents from a specified list, available here: Right to work checks: an employer's guide - GOV.UK

If you are not a British citizen, you must provide a share code to enable us to check your eligibility to work in the UK: Prove your right to work to an employer: Get a share code online - GOV.UK

Vehicle Criteria

Before a licence application is made in respect of a Hackney Carriage Vehicle, the applicant being the proprietor of the vehicle should ensure that the vehicle can meet the criteria below: -

20.4 The vehicle is in a satisfactory and safe condition for the carriage of passengers.

20.5 The vehicle is suitable in type, size and design as a Hackney Carriage vehicle.

20.6 Be a car fitted with four (4) road wheels and at least four doors.

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20.7 Be a right-hand drive.

20.8 Vehicle is capable of being identified as a Hackney Carriage.

20.9 Be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver.

20.10 The Council will not allow vehicles to be licensed as both a Hackney Carriage and Private Hire vehicle or licensed by more than one licensing authority.

20.11 The vehicle must not have been written off by an insurance company - unless it is a Category N write-off (has sustained no structural damage) and it has been repaired, tested and certificated to the satisfaction of the Council.

20.12 New vehicle licences for Hackney Carriage vehicles will only be granted to constructed or adapted (by the manufacturer or his agent) wheelchair accessible vehicles.

Age of Vehicle

20.13 Vehicles that are not fully electric or hybrid will only be licensed until they reach twelve (12) years of age (from the date of first registration) at expiry of the licence. For clarity this includes all diesel, petrol and Liquid Petroleum Gas (LPG) vehicles.

20.14 Hybrid vehicles will be licensed until they reach fifteen (15) years of age (from the date of first registration) at the expiry of the licence.

20.15 No vehicle age limit will apply to any vehicle that is fully electric or hydrogen zero-emission / no exhaust.

20.16 All vehicles must undergo an inspection and be confirmed as fit for use in accordance with the Council's '*Authorised Testing Station Inspection Manual for Taxis and Private Hire Vehicles'*. This inspection must be carried out by one of the Council's nominated or approved garages at least one (1) month prior to the granting of a new licence or the renewal of an existing one.

Compliance will be evidenced by:

- A valid MOT pass certificate, and
- A Taxi and Private Hire Vehicle Inspection Report confirming that the vehicle meets the Council's required standards.

20.17 Vehicles over three (3) years of age (from the date of first registration) will require a further MOT and inspection confirming that the vehicle meets the Council's requirements midway through the period of the licence (six (6) months after the licence issue date).

Approved garages can be found here: Taxi and Private Hire Vehicle Mechanical Standards | Stratford-on-Avon District Council

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Vehicles over three (3) years that have not been tested again midway through the period of the licence may have their vehicle licence suspended until such a time that an inspection has been received. The Licensing Authority will also suspend a licence on receipt of notification from an authorised garage that the vehicle has been issued a MOT failure certificate.

20.18 In the event of an accident or emergency, passengers must be able to exit the vehicle quickly and without obstruction. No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle. All passenger seats must have unobstructed access to the exit doors.

20.19 All seats, front and rear and disabled must be fitted with three-point seat belts. It is the driver's responsibility to ensure that all passengers under the age of fourteen (14) are using appropriate seat belts.

20.20 **LPG Fuelled vehicles**

Hackney Carriage Vehicles, that have been converted to use Liquid Petroleum Gas and/or Compressed Natural Gas (CNG), require compliance with the Liquid Petroleum Gas Association's (LPGA) Code of Practice No.11.

A valid certificate confirming compliance with the LPGA Code of Practice No. 11 must be submitted with any new application for a converted Hackney Carriage vehicle. Except vehicles that were factory converted from new, these are exempt from this certificate.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

The LPG/CNG system must be inspected by a qualified engineer and certified as safe prior to licensing.

Certificates must be renewed in accordance with the manufacturer's recommendations or at intervals specified by the Licensing Authority.

Vehicles must maintain compliance with LPGA standards throughout their licensed life.

Any modifications to the LPG/CNG system must be reported to the Licensing Authority and re-certified before the vehicle is used for hire.

Condition of vehicle

20.21 All internal fittings and fixtures i.e. carpets, seats, trims and seat cover should be clean and in good condition. Rips/tears in seat and broken trims should be replaced or repaired to a high standard before submitting the vehicle for inspection.

20.22 All external fitting i.e. wheel caps/discs, bumpers and trims should be fitted, clean and in good condition. Rusty/damaged metal bumpers or damaged plastic bumpers are not acceptable.

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20.23 The body panels should be free of dents; scratches and all body panels should fit correctly. The excessive use of body filler and repairs that are of a poor standard are not acceptable.

Signage / Advertisements

20.24 Stratford on Avon District Council will permit a business name / operator name and phone number on a Hackney Carriage Vehicle but only on the doors and bonnet of the vehicle. No signage must be placed on any windows, windscreens or areas affecting visibility.

20.25 No other signs, notices, advertisements, marks, numbers, letters, figures, symbols, or emblems shall be displayed on, in, or from the vehicle except as may be required by any statutory provision and without written approval of Stratford on Avon District Council. *(Vehicles with signage that falls outside of this requirement prior to the implementation of this policy will be required to comply when the vehicle is replaced)*

20.26 Any signage appearing on the outside of the vehicle must be of such form as not to become easily soiled, defaced or detached.

20.27 Commercial advertising for any company, body or corporate entity other than the operating company is strictly prohibited.

20.28 Hackney Carriages must always display a licence plate on the rear of the vehicle. When first licensed the external licence plate supplied by the Council comes with a black bracket which must be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet. No temporary fixing such as magnets, double sided tape, cable ties or Velcro® are allowed.

Roof signs

20.29 All Hackney Carriage Vehicles must display a 'taxi' roof sign/box that can be illuminated when available for hire. Roof signs must comply with the Road Vehicles Regulations 1989.

20.30 Hackney Carriage Vehicles must display a white roof sign capable of containing the wording 'TAXI' with a red light to the rear. This will be the only wording that maybe displayed on the front of the roof sign.

Glazing

20.31 Front windscreens must permit a minimum light transmission of 75%.

20.32 Front side windows must permit a minimum light transmission of 70%.

20.33 Windows rear of the B-pillar must permit a minimum light transmission of 30%.

No Smoking / Vaping

20.34 Appropriate "No Smoking" and "No Vaping" signage must be prominently displayed within the vehicle in a position clearly visible to passengers at all times whilst the vehicle is licensed.

Smoking or vaping in the vehicle by the driver or customer is strictly prohibited.

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Trailers

20.35 The towing of trailers will not be permitted except with the written permission of an Authorised Officer. The driver will need to demonstrate that they have the relevant DVLA licence permitting the towing of trailers. The trailer unit will also need to be inspected for roadworthiness and safety. Documentation outlining the inspection should be provided at the same time that written permission is sought from the licensing team.

Taximeter, Tariff and Fares

20.36 All Hackney Carriage Vehicles licensed for the first time by Stratford on Avon District Council shall require a calendar-controlled tariff taximeter that cannot be hand altered and can comply with relevant legislation.

20.37 The tariff is a maximum figure that Hackney Carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to Private Hire Vehicles. For journeys outside the district, unless there is a fare agreed before the hiring, the fare should not exceed the tariff. If a Hackney Carriage is used for a private hire booking, the fare shall be calculated from the point in the district at which the hirer commences his journey. Hackney Carriage Vehicles must clearly display the tariff card within sight of passengers in the vehicle. It is not permitted to levy an additional charge on top of the maximum tariff for any person paying by card.

20.38 From **1 January 2027**, all licensed vehicles are required to carry a device available for use by customers wishing to pay by card or mobile wallet where network coverage allows. The device must be maintained in working order at all times and there must be signage that can be seen from outside the vehicle that confirms card payments are always accepted.

20.39 If there is an issue with accepting a card or mobile wallet payment, the driver should ask the passenger to try their card or mobile wallet again and if the issue persists, ask the passenger whether they have another payment facility or cash to pay for the fare. If not, the driver should offer to take the passenger to the nearest cashpoint. Any issues with the device must be reported to the provider as soon as possible, and the vehicle proprietor if this is a third party. Evidence of such reports will be required to be produced should the vehicle be checked by an officer before the device is repaired or replaced.

20.40 It should be noted that surcharges for personal debit/credit card payments (and mobile wallets like Apple Pay and Google Pay) are prohibited under the Consumer Rights (Payment Surcharges) Regulations 2012.

Fire Extinguisher and First Aid Kit

20.41 A licence will not be issued to any vehicle unless it is fitted with an approved fire extinguisher. It must be securely fixed within the vehicle so that it is both safe and easily accessible. The fire extinguisher must be hand-held with a pressure gauge and be at least 1.0 kg in weight or 1.0 litre in volume and comply with

current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicle.

20.42 All extinguishers must be checked and serviced if required or replaced on an annual basis. The check/service must be carried out by a registered company in line with the requirements of current British Standards**. The date of the test and signature of the tester must be clearly visible on a sticker attached to the extinguisher along with the vehicle licence number details of the company carrying out the check/service.**

20.43 A first aid kit must be carried in all licensed vehicles so that it is immediately available for use in an emergency. The first aid kit must meet the content requirements of the BS8599-2 (Vehicle First Aid Kits). All items contained within the first aid kit must be within their expiry date and in good condition.

20.44 Whilst a first aid kit must be available in the vehicle for use by both the driver and passengers there is no expectation that a driver should perform first aid interventions beyond their competence.

20.45 The vehicle must be capable of complying with the Council's conditions for Hackney Carriages. **Please See Annex 6:**

Accident reporting

To report an accident: **Reporting an Accident | Stratford-on-Avon District Council**

20.46 Accidents that result in, injury to any person, damage to any vehicle or property or where a vehicle becomes unroadworthy or unsafe the driver and proprietor is required to report the accident to the Licensing Authority within three (3) days. The proprietor may be required to produce the vehicle at the council offices, or to undertake a compliance test. The Council's primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

20.47 A Licensing Officer or approved testing station may examine the extent of the damage and determine whether the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within three days.

20.48 Where a temporary vehicle licence has been granted due to the original vehicle being subject to accident damage or mechanical breakdown, a new compliance certificate will be required for the original vehicle to prove it is mechanically fit before the original vehicle will be re-licensed.

Transfers / Change of Ownership

To report a 'change of ownership': **Change of Ownership | Stratford-on-Avon District Council**

20.49 A 'transfer' or 'Change of Ownership' is the sale of a licensed vehicle from one person to another. The Council must be notified of any such transfer within fourteen (14) days of it taking place.

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20.50 Applications to transfer/change of ownership must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other Council licensing fees.

Making your application

20.51 Every application must be made using the Hackney Carriage Vehicle Licence application form and must be supplied with the following documents.

a) One of the following documents

- Vehicle registration document (all pages of the V5C)
- Proof of purchase/invoice (if unable to provide the V5C)
- Vehicle lease agreement permitting public hire

b) A valid certificate of insurance or cover note showing cover for public hire purposes.

c) Current MOT test certificate issued no earlier than one (1) month before the date of the application.

d) Calibration certificate for a new or replacement vehicle by the meter supplier.

e) Birth certificate or passport

f) Current UK/EU Driving Licence

g) A Disclosure & Barring Service (DBS) certificate (Basic) within one (1) month of the application date. *(unless already signed up to the DBS update service as a driver)*

h) The current licence fee.

For all renewal applications:

20.52 An application for renewal of a licence shall be submitted together with the appropriate fee not later than one (1) month prior to the expiration of the current licence.

Applications that need renewing with less than one (1) months' notice will result in the applicant receiving a written warning. Late applications could result in the licence not being renewed prior to the expiry of the licence which will mean the vehicle will not be able to be used as a Hackney Carriage until such a time that the new licence has been issued.

An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Panel. All requests must be made in writing.

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The Licensing Process & Delegation of Panel

Licensing Officers have delegated authority to issue licences that fall within the Council's Policy. Any applications that fall outside these Policy guidelines can only be determined by the Licensing Panel.

Fees

Fees and charges for all licences are payable in advance. Payments can be made by telephone on 01789 260979, in person, or by post to Stratford-on-Avon District Council, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX. Cheques should be made payable to Stratford-on-Avon District Council.

Full details of current fees and charges are available from the Licensing Section or on the Council's website at www.stratford.gov.uk

Licensing Panel Procedure

If the application for a Hackney Carriage Vehicle licence is outside of these policies, the Licensing Section will write to the proprietor of the vehicle outlining the reasons and advise the proprietor that the matter will be put before the Licensing Panel on their request.

The Proprietor of the Vehicle and his/her representative will be given the opportunity to attend a meeting before the Licensing Panel to present any information in support of their application that they feel will help members determine the application fairly. Prior to the meeting the proprietor will be sent an agenda together with a copy of all documents or information that are to be presented to the Licensing Panel. Should the Licensing Panel revoke the Vehicle's Licence, the Vehicle proprietor will be notified in writing of the reasons for the decision within fourteen (14) days of the meeting. The Proprietor of the Vehicle has the right to appeal to the Magistrates' Court within twenty-one (21) days of receipt of the written decision. A further right of appeal lies to the Crown Court.

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21. Private Hire Vehicle Policy

Introduction

The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of users and to prevent nuisance or annoyance.

Legislation

Local Government (Miscellaneous Provisions) Act 1976

The above legislation is used to regulate Private Hire vehicles.

Applicant criteria

Applicants for new and renewal licences should be free from previous convictions and cautions, other than for minor traffic offences. The Council's Relevant Convictions and Cautions Policy will be used to determine the fitness and propriety of vehicle proprietors and applicants.

21.1 Applicants not currently licensed by Stratford-on-Avon District Council and not registered with the DBS Update Service shall be required to submit a Basic DBS certificate dated within one (1) month of the application date.

21.2 Applicants that have lived or spent an extended period (three or more continuous months) abroad since the age of eighteen (18), will be required to provide a 'Certificate of Good Conduct/Character' from the embassy/consulate/high commission of that country. Guidance on obtaining these certificates can be found here: Criminal records checks for overseas applicants - GOV.UK

21.3 Applicants must have a right to work in the UK. If you have a UK passport (either current or expired) you must provide this as proof of your right to work in the UK. If you are a British citizen but do not have a current or expired UK passport, you must provide other documents from a specified list, available here: Right to work checks: an employer's guide - GOV.UK

If you are not a British citizen, you must provide a share code to enable us to check your eligibility to work in the UK: Prove your right to work to an employer: Get a share code online - GOV.UK

Vehicle Criteria

Before a licence application is made in respect of a Private Hire vehicle, the applicant being the proprietor of the vehicle should ensure that the vehicle can meet the criteria below: -

21.4 The vehicle is in a satisfactory and safe condition for the carriage of passengers.

21.5 The vehicle is suitable in type, size and design as a Private Hire vehicle.

21.6 Be a car fitted with four (4) road wheels and at least four doors.

21.7 Be a right-hand drive.

21.8 Vehicle to be capable of being identified as a Private Hire.

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21.9 Be of sufficient seating capacity to carry at least four (4) and not more than eight (8) passengers in addition to the driver.

21.10 The Council will not allow vehicles to be licensed as both a Hackney Carriage and Private Hire or licensed by more than one licensing authority.

21.11 The vehicle must not have been written off by an insurance company - unless it is a Category N write-off (has sustained no structural damage) and it has been repaired, tested and certificated to the satisfaction of the Council.

Age of Vehicle

21.12 Vehicles that are not fully electric or hybrid will only be licensed until they reach twelve (12) years of age (from the date of first registration) at expiry of the licence. For clarity this includes all diesel, petrol and LPG vehicles.

21.13 Hybrid vehicles will be licensed until they reach fifteen (15) years of age (from the date of first registration) at the expiry of the licence.

21.14 No vehicle age limit will apply to any vehicle that is fully electric or hydrogen zero-emission / no exhaust.

21.15 All vehicles must undergo an inspection and be confirmed as fit for use in accordance with the Council's *'Authorised Testing Station Inspection Manual for Taxis and Private Hire Vehicles'*. This inspection must be carried out by one of the Council's nominated or approved garages at least one (1) month prior to the granting of a new licence or the renewal of an existing one.

Compliance will be evidenced by:

- A valid MOT pass certificate, and
- A Taxi and Private Hire Vehicle Inspection Report confirming that the vehicle meets the Council's required standards.

21.16 Vehicles over three (3) years of age will require a further MOT and inspection confirming that the vehicle meets the Council's requirements midway through the period of the licence (six (6) months after the issue date).

Approved garages can be found here: Taxi and Private Hire Vehicle Mechanical Standards | Stratford-on-Avon District Council

Vehicles over three (3) years that have not been tested again midway through the period of the licence may have their vehicle licence suspended until such a time that an inspection has been received. The Licensing Authority will also suspend a licence on receipt of notification from an authorised garage that the vehicle has been issued a MOT failure certificate.

21.17 In the event of an accident or emergency, passengers must be able to exit the vehicle quickly and without obstruction. No new vehicle shall be licensed which would require any passenger to climb over any luggage or obstruction in the vehicle. All passenger seats must have unobstructed access to the exit doors.

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21.18 All seats, front and rear and disabled must be fitted with three-point seat belts. It is the driver's responsibility to ensure that all passengers under the age of fourteen (14) are using appropriate seat belts.

LPG Fuelled vehicles

21.19 Private Hire vehicles, that have been converted to use Liquid Petroleum Gas (LPG) and/or Compressed Natural Gas (CNG), require compliance with the Liquid Petroleum Gas Association's (LPGA) Code of Practice No.11.

A valid certificate confirming compliance with the LPGA Code of Practice No. 11 must be submitted with any new application for a converted Private Hire vehicle. Vehicles that were factory converted from new are exempt from this certificate requirement.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

The LPG/CNG system must be inspected by a qualified engineer and certified as safe prior to licensing.

Certificates must be renewed in accordance with the manufacturer's recommendations or at intervals specified by the licensing authority.

Vehicles must maintain compliance with LPGA standards throughout their licensed life.

Any modifications to the LPG/CNG system must be reported to the licensing authority and re-certified before the vehicle is used for hire.

Condition of vehicle

21.20 All internal fittings and fixtures i.e. carpets, seats, trims and seat cover should be clean and in good condition. Rips/tears in seat and broken trims should be replaced or repaired to a high standard before submitting the vehicle for inspection.

21.21 All external fitting i.e. wheel caps/discs, bumpers and trims should be fitted, clean and in good condition. Rusty/damaged metal bumpers or damaged plastic bumpers are not acceptable.

21.22 The body panels should be free of dents, and all body panels should fit correctly. The excessive use of body filler and repairs that are of a poor standard are not acceptable.

Signage / Advertisements

21.23 Stratford on Avon District Council will permit a business name/ operator name and phone number on a Private Hire vehicle but only on the doors and bonnet of the vehicle. No signage must be placed on any windows, windscreens or areas affecting visibility.

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21.24 No other signs, notices, advertisements, marks, numbers, letters, figures, symbols, or emblems shall be displayed on, in, or from the vehicle except as may be required by any statutory provision and without written approval of Stratford on Avon District Council. *(Vehicles with signage that falls outside of this requirement prior to the implementation of this policy will be required to comply when the vehicle is replaced)*

21.25 Any signage appearing on the outside of the vehicle must be of such form as not to become easily soiled, defaced or detached.

21.26 Commercial advertising for any company, body or corporate entity other than the operating company is strictly prohibited.

21.27 Unless a vehicle holds a plate exemption a Private Hire Vehicles must always display a licence plate on the rear of the vehicle. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. No temporary fixing such as magnets, double sided tape, cable ties or Velcro® are allowed. **For plate exemptions see: 21.38**

Roof Signs

21.28 Under no circumstances may the vehicle be fitted with a roof sign.

Glazing

21.29 Front windscreens must permit a minimum light transmission of 75%.

21.30 Front side windows must permit a minimum light transmission of 70%.

21.31 Windows rear of the B-pillar must permit a minimum light transmission of 30%.

No Smoking / Vaping

21.32 Appropriate "No Smoking" and "No Vaping" signage must be prominently displayed within the vehicle in a position clearly visible to passengers at all times whilst the vehicle is licensed.

Smoking or vaping in the vehicle by the driver or customer is strictly prohibited.

Trailers

21.33 The towing of trailers will not be permitted except with the written permission of an authorised Officer. The driver will need to demonstrate that they have the relevant DVLA licence permitting the towing of trailers. The trailer unit will also need to be inspected for roadworthiness and safety.

Payment of Fares

21.34 From **1 January 2027**, all licensed vehicles are required to carry a device available for use by customers wishing to pay by card or mobile wallet where network coverage allows. The device must be maintained in working order at all times and there must be signage that can be seen from outside the vehicle that confirms card payments are accepted at all times.

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21.35 If there is an issue with accepting a card or mobile wallet payment, the driver should ask the passenger to try their card or mobile wallet again and if the issue persists, ask the passenger whether they have another payment facility or cash to pay for the fare. If not, the driver should offer to take the passenger to the nearest cashpoint. Any issues with the device must be reported to the provider as soon as possible, and the vehicle proprietor if this is a third party. Evidence of such reports will be required to be produced should the vehicle be checked by an officer before the device is repaired or replaced.

21.36 It should be noted that surcharges for personal debit/credit card payments (and mobile wallets like Apple Pay and Google Pay) are prohibited under the Consumer Rights (Payment Surcharges) Regulations 2012.

Stretched Limousine

21.37 Stretched limousines are considered for licensing as a Private Hire Vehicle on an individual basis and on their individual merit. You are advised to contact the Licensing Team prior to making an application. The licensed passenger seat capacity will be limited to eight (8) people.

Plate exemption for Private Hire Vehicles

21.38 Private Hire Vehicles which are used solely for contract work may be exempted from displaying a plate. The operator's records for these vehicles must prove that only contract work is being carried out, and the licensing team will require written evidence as to the exceptional circumstances stating why a plate exemption is required. The Council will require sufficient justification to exempt these vehicles from a requirement to display a rear plate and that there is an effective means to prevent the vehicle being used for 'normal' private hire work. Where an exemption is granted, the vehicle must display the internal licence card/disc issued by the Council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver.

21.39 Vehicles given this exemption will normally be executive type cars. It is recommended that applicants contact the licensing department in advance of buying any new vehicle to seek advice on whether the vehicle would meet this criterion. The Council will determine applications for exemption on a case-by-case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence, with up-to-date evidence of the requirement for the exemption. Proprietors should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue. The fee for this process is subject to annual review and will be published together with other Council licensing fees.

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Glazing for vehicles with a plate exemption

21.40 The requirements set out in paragraphs 21.29 to 21.32 shall not apply to a Private Hire Vehicle that has been granted an exemption from the requirement to display licence plates and signage for the purpose of providing an executive chauffeur service.

21.41 Any such exemption shall be determined on a case-by-case basis by the Licensing Authority and may be subject to conditions restricting the vehicle to executive hire work only.

Fire Extinguisher and First Aid Kit

21.42 A licence will not be issued to any vehicle unless it is fitted with an approved fire extinguisher. It must be securely fixed within the vehicle so that it is both safe and easily accessible. The fire extinguisher must be hand-held with a pressure gauge and be at least 1.0 kg in weight or 1.0 litre in volume and comply with current British/European Standards along with the requirements relating to fire extinguishers for use in public service vehicle.

21.43 All extinguishers must be checked and serviced if required or replaced on an annual basis. The check/service must be carried out by a registered company in line with the requirements of current British Standards**. The date of the test and signature of the tester must be clearly visible on a sticker attached to the extinguisher along with the vehicle licence number details of the company carrying out the check/service.**

21.44 A first aid kit must be carried in all licensed vehicles so that it is immediately available for use in an emergency. The first aid kit must meet the content requirements of the BS8599-2 (Vehicle First Aid Kits). All items contained within the first aid kit must be within their expiry date and in good condition.

21.45 Whilst a first aid kit must be available in the vehicle for use by both the driver and passengers there is no expectation that a driver should perform first aid interventions beyond their competence.

Accident reporting

To report an accident: Reporting an Accident | Stratford-on-Avon District Council

21.46 Where damage that requires repair arises from an accident the proprietor is required to report the accident to the Licensing Authority within three (3) days. The proprietor may be required to produce the vehicle at the Council offices, or to undertake a compliance test. The Council's primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

21.47 A Licensing Officer or approved testing station may examine the extent of the damage and determine whether the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within three days.

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21.48 Where a temporary vehicle licence has been granted due to the original vehicle being subject to accident damage or mechanical breakdown, a new compliance certificate will be required for the original vehicle to prove it is mechanically fit before the original vehicle will be re-licensed.

Transfers / Change of Ownership

To report a 'change of ownership': **Change of Ownership | Stratford-on-Avon District Council**

21.49 A 'transfer' or 'change of ownership' is the sale of a licensed vehicle from one person to another. The council must be notified of any such transfer within fourteen (14) days of it taking place.

21.50 Applications to transfer/change the ownership must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other Council licensing fees.

Making your application

21.51 Every application must be made using the Private Hire Vehicle Licence application form and must be supplied with the following documents.

a) One of the following documents

- Vehicle registration document (all pages of the V5C)
- Proof of purchase/invoice (if unable to provide the V5C)
- Vehicle lease agreement permitting public hire

b) A valid certificate of insurance or cover note showing cover for public hire purposes.
c) Current MOT test certificate issued no earlier than one month before the date of the application.
d) Calibration certificate for a new or replacement vehicle by the meter supplier. *(Only if a meter is fitted)*
e) Birth certificate or passport
f) Current UK/EU Driving Licence
g) A Disclosure & Barring Service (DBS) certificate (Basic) within one (1) month of the application date. *(unless already signed up to the DBS update service as a driver)*
h) The current licence fee.

21.52 The vehicle must be capable of complying with the Council's conditions for Private Hire Vehicles. **Please See Annex 7.**

For all renewal applications:

21.53 An application for renewal of a licence shall be submitted together with the appropriate fee not later than one (1) month prior to the expiration of the current licence.

Applications that need renewing with less than one months' notice will result in the applicant receiving a written warning. Late applications could result in the licence not being renewed prior to the expiry of the licence which will mean the vehicle will not be

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able to be used as a Private Hire vehicle until such a time that the new licence has been issued.

An applicant whose vehicle does not meet the above criteria may request to have their application determined by the Licensing Panel. All requests must be made in writing.

The Licensing Process & Delegation of Functions

The Head of Environment has the delegated authority to issue licences that fall within the Council's Policy. Any applications that fall outside these policy guidelines can only be determined by the Licensing Panel.

Fees

Fees and charges for all licences are payable in advance. Payments can be made by telephone on 01789 260979, in person, or by post to Stratford-on-Avon District Council, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX. Cheques should be made payable to Stratford-on-Avon District Council.

Full details of current fees and charges are available from the Licensing Section or on the Council's website at www.stratford.gov.uk

Licensing Panel Procedure

If the application for a licence is outside of these policies, the Licensing Section will write to the proprietor of the vehicle outlining the reasons and advise the proprietor that the matter will be put before the Licensing Panel on their request.

The Proprietor of the Vehicle and his/her representative will be given the opportunity to attend a meeting before the Licensing Panel and to present any information in support of their application that they feel will help members determine the application fairly. Prior to the meeting the proprietor will be sent an agenda together with a copy of all documents or information that are to be presented to the Licensing Panel. Should the Licensing Panel refuse, or revoke the Vehicle's Licence, the vehicle proprietor will be notified in writing of the reasons for the decision within fourteen (14) days of the meeting. The Proprietor of the Vehicle has the right to appeal to the Magistrates' Court within twenty-one (21) days of receipt of the written decision. A further right of appeal lies to the Crown Court.

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22. Private Hire Operators Policy

Introduction

This part of the Policy sets out the standards, and operational expectations placed upon all licensed Private Hire Operators. The purpose is to ensure operators conduct their business safely, responsibly and in compliance with statutory obligations, protecting passengers, drivers, and the wider public.

This aligns with national guidance requiring operators to be fit and proper persons and responsible for the bookings they accept.

Legislation

The **Local Government (Miscellaneous Provisions) Act 1976** requires that a licence should be held by the proprietor of each Private Hire vehicle and by each person who acts as a driver of a Private Hire vehicle or by an operator of Private Hire vehicles who in the course of business provides for the invitation and acceptance of bookings for such vehicles.

Private Hire Operators Licensing Criteria

22.1 Applicants must be over twenty-one (21) years of age.

22.2 Applicants for new and renewal licences should be free from previous convictions and cautions, other than for minor traffic offences.

22.3 Applicants not currently licensed by Stratford-on-Avon District Council and not registered with the DBS Update Service shall be required to submit a Basic DBS certificate dated within one (1) month of the application date.

22.4 Applicants that have lived or spent an extended period (three or more continuous months) abroad since the age of eighteen (18), will be required to provide a 'Certificate of Good Conduct/Character' from the embassy/consulate/high commission of that country. Guidance on obtaining these certificates can be found here: Criminal records checks for overseas applicants - GOV.UK

22.5 Applicants must have a right to work in the UK. If you have a UK passport (either current or expired) you must provide this as proof of your right to work in the UK. If you are a British citizen but do not have a current or expired UK passport, you must provide other documents from a specified list, available here: Right to work checks: an employer's guide - GOV.UK

If you are not a British citizen, you must provide a share code to enable us to check your eligibility to work in the UK: Prove your right to work to an employer: Get a share code online - GOV.UK

22.6 Operators must only operate from the address listed on the licence and may not take bookings from any other premises.

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22.7 Where the Operator's business operates from premises that are accessible to members of the public, the applicant must provide evidence of Public Liability Insurance as part of the application for a Private Hire Operator's licence.

The Public Liability Insurance must provide indemnity of no less than £5 million and must remain in force for the duration of the licence.

22.8 Operators are responsible for every booking they accept, even if it is subcontracted.

22.9 Operators must not accept bookings that they are unlikely to be able to fulfil punctually and must notify customers at the earliest opportunity if they are unable to fulfil a booking

22.10 Unless otherwise approved, booking records must be kept in the standard format required by the Licensing Authority.

Operators must keep accurate records of:

- Any accessibility needs of any of the passengers.
- Passenger's name.
- Telephone number, email address or residential address for the hirer.
- Time and date the booking was made.
- Pickup location of the passenger.
- Scheduled pickup time and date.
- Any fare agreed in advance (where appropriate).
- If cancelled, the time and date of the cancellation request.
- The individual that took the details of the booking (if not recorded by a computer).
- Name of the driver and driver licence number who conducted the journey.
- Registration of vehicle that took the journey.
- If the booking is sub-contracted. (Reason for subcontracting, operator booking was subcontracted to and the date and time the booking was subcontracted).

22.11 Records must be stored for a minimum of twelve (12) months and be made available to Licensing Officers immediately upon request.

22.12 Operators must ensure that drivers and vehicles dispatched are:

- Properly licensed
- Safe and roadworthy
- Fit and proper, with no known concerns

22.13 Operators must implement and maintain a complaints procedure including:

- A log of all complaints
- Investigation outcomes
- Actions taken
- Reporting duties where safeguarding concerns arise

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Change of address/ Circumstances / convictions and cautions

22.14 Operators must notify the Licensing Authority within forty-eight (48) hours of:

- Arrest, police investigation, charge, bail conditions, bail extension, summons, conviction, caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order.
- A notice of intended prosecution, driving licence points, endorsements and disqualifications.
- Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation
- Invitation to attend a licence review or licence refusal, suspension or revocation by any other licensing authority*. (If the other licence is suspended or revoked immediately, the Licensing Authority must be notified immediately).*
- Change of name, address/premises, email or telephone number.
- Significant incident relating to the business.

22.15 All drivers and vehicles operated must be licensed by the Stratford on Avon District Council. Where applicable, operators must ensure Private Hire Vehicles do not display:

- Roof signs
- Unapproved advertising or signage

22.16 Operators must maintain:

- A safeguarding policy
- Procedures for dealing with vulnerable passengers
- A reporting process for incidents involving risk or harm

Making your application

22.17 Every application must be made using the Private Hire Vehicle Licence application form and must be supplied with the following documents:

a) Birth certificate or passport
b) Current UK/EU Driving Licence
c) A Disclosure & Barring Service (DBS) certificate (Basic) dated within one (1) month of the application date. *(Unless signed up to the update service)*
d) Certificate of public liability insurance *(where public have access to premises)*
c) The HMRC Tax Code Check
e) The current Licence fee

For all renewal applications:

22.18 An application for renewal of a licence shall be submitted together with the appropriate fee not later than one (1) month prior to the expiration of the current licence.

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Applications that need renewing with less than one (1) months' notice will result in the applicant receiving a written warning. Late applications could result in the licence not being renewed prior to the expiry of the current licence.

The Licensing Process & Delegation of Functions

Operator licences may be issued for up to five (5) years, consistent with Government guidance.

The Head of Environment has the delegated authority to issue licences that fall within the Council's policy. Any applications that fall outside these policy guidelines can only be determined by the Licensing Panel.

Fees

Fees and charges for all licences are payable in advance. Payments can be made by telephone on 01789 260979, in person, or by post to Stratford-on-Avon District Council, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX. Cheques should be made payable to Stratford-on-Avon District Council.

Full details of current fees and charges are available from the Licensing Section or on the Council's website at www.stratford.gov.uk

Licensing Panel Procedure

If the application for a licence is outside of these policies, the Licensing Section will write to the applicant outlining the reasons and advise the applicant that the matter will be put before the Licensing Panel on their request.

The applicant and his/her representative will be given the opportunity to attend a meeting before the Licensing Panel and to present any information in support of their application that they feel will help members determine the application fairly. Prior to the meeting the applicant will be sent an agenda together with a copy of all documents or information that are to be presented to the Licensing Panel. Should the Licensing Panel refuse, or revoke the Operator's Licence, the Operator will be notified in writing of the reasons for the decision within fourteen (14) days of the meeting. The Operator has the right to appeal to the Magistrates' Court within twenty-one (21) days of receipt of the written decision. A further right of appeal lies to the Crown Court.

Conditions

The Council has adopted conditions relating to Private Hire Operators licences. **Please See Annex 8.**

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Annex 1 - Relevant Convictions and Cautions Policy

1. Introduction and Purpose

1.1 Taxis (Hackney Carriages) and Private Hire Vehicles (PHVs) play an essential role in society. While they are used occasionally by most people, they are relied upon frequently by some of the most vulnerable groups, including children, elderly individuals, disabled people, and those who may be under the influence of alcohol.

1.2 A licensed driver occupies a position of significant responsibility and trust. Passengers place their personal safety in the hands of a stranger, often in isolated environments and sometimes at times when they are least able to protect themselves.

1.3 The role of the Licensing Authority is therefore critical: to ensure that public safety is always paramount. Any individual stepping into a taxi or PHV must be confident that the driver is a fit and proper person to hold such a licence.

In making this determination, the fundamental question must always be:

Would I allow my son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom I care, to get into a vehicle with this person alone?

This encompasses several essential considerations:

- **Honesty** – Can the driver be relied upon to act with integrity?
- **Competence** – Do they possess the necessary skills and knowledge to operate safely?
- **Safety** – Will they always prioritise passenger welfare?
- **Trustworthiness** – Can they be depended upon in situations of vulnerability?

1.4 Case law makes it clear that the impact of losing (or not being granted) a licence on the licence holder/applicant and his or her family is not a consideration to be taken into account when a Licensing Authority is making a decision on the fitness and propriety of a licence holder/applicant. The paramount responsibility of a Licensing Authority is to protect the public, not provide employment opportunities. This policy is therefore designed to ensure that all decisions are made with public safety as the paramount concern and that applicants and licence holders are treated fairly, transparently, and consistently.

1.5 In all cases, the Licensing Authority will consider the nature of the conviction, caution or behaviour in question, including any information obtained through checks carried out via the NR3 database or other relevant licensing records, and

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determine the appropriate weight to attach to it. Each case will be assessed on its own merits and in accordance with these guidelines.

1.6 Nothing in this policy shall fetter the discretion of the Licensing Authority. The Licensing Authority retains the discretion to depart from this policy and guidelines where the circumstances of the case justify doing so. Such departures will usually occur where there are exceptional or extenuating circumstances that justify a different decision, having regard to the factors set out at paragraph 2.1 below. Any such departure shall be proportionate, reasonable and supported by clear reasons.

1.7 Cautions will ordinarily be treated in the same manner as convictions. This is because a caution can only be administered where there has been an admission of guilt, which is equivalent to a guilty plea in criminal proceedings.

1.8 Any decision to suspend, revoke, refuse to grant or renew a licence will be applied to an applicant/licence holder who is considered not to be a 'fit and proper' person to drive or operate. The test to be applied is to ask, ***"Would I allow my son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom I care, to get into a vehicle with this person alone?"*** If the answer is no, then the licence should be refused.

1.9 The Department for Transport provides further guidance by posing the following question:

"Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this individual at any time of day or night?"

1.10 If, on the balance of probabilities, the answer to this question is "no", then the individual should **not be granted or permitted to hold a licence**. Accordingly, if at any time a licence holder falls below the required "fit and proper person" standard, the Licensing Authority will take appropriate action, which may include the suspension, revocation, or a refusal to renew the licence.

2. Legislative Framework

2.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority must be satisfied that any applicant for the grant or renewal of a Dual Driver's Licence, Private Hire Vehicle Licence, or Operator's Licence is a "fit and proper" person to hold that licence. Where an applicant has convictions, warnings, cautions, pending charges, or complaints recorded against them, the Licensing Authority will consider all relevant factors including the following matters, where applicable:

- How relevant the offence(s) are to the licence being applied for

- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction/Caution etc
- Circumstances of the conviction/caution/warning
- Sentence imposed by the court
- The applicant's age at the time of conviction/Caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- The person's willingness or proven ability to demonstrate their rehabilitation. This might include appropriate training, support, work experience (paid or otherwise) and general attitude to society and community
- Evidence of remorse (this may be established by a face-to-face interview with an Authorised Officer, for example)
- Any other factors that might be relevant and appropriate
- Previous licensed record (if applicable) as well as records held by the operator
- Attitude, temperament and conduct.

2.2 In determining whether a person is fit and proper, the Licensing Authority is entitled to take into account all matters concerning that applicant or licence holder. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour and the entire character of the individual will be considered. It is important to recognise that the Licensing Authority is not imposing any additional punishment in relation to previous convictions or behaviour. It is using all the information available to make an informed decision as to whether the applicant or licence holder is or remains fit and proper.

2.3 Sections 60 to 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a vehicle, driver or operator's licence for failure by the licence holder to comply with the provisions of that Act or of the Town Police Clauses Act 1847, following a conviction for dishonesty, indecency, violence, or for any other reasonable cause.

2.4 The Rehabilitation of Offenders Act 1974 does not prevent the Licensing Authority from considering fitness and propriety. The Licensing Authority may take into account convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or unspent. Having regard to an individual's previous behaviour and their potential to re-offend will play a significant part when making a decision to grant or renew a licence.

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2.5 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

2.6 In appropriate circumstances a suspension, refusal to renew or revocation may be abated by the licence holder demonstrating to the satisfaction of the Licensing Authority that they have successfully completed appropriate training which should be evidenced in writing.

2.7 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination of their application will normally be deferred until the trial has been completed or the charges withdrawn. Where an existing licence holder is charged, it will be for the Licensing Authority to decide what action to take in the light of this policy and the Licensing Authority is not obliged to await the conclusion of any Police investigation or court proceedings.

2.8 Any offences committed, or unacceptable behaviour reported, while acting as a licensed driver, driving a Private Hire Vehicle, or operating in connection with an Operator's Licence, will be treated as aggravating factors. The fact that other offences were not directly connected with the Hackney Carriage or Private Hire trade will not, in itself, be regarded as a mitigating factor.

2.9 Any dishonesty by any applicant or other person on the applicant's behalf, which is discovered to have occurred in any part of the application process (e.g. failure to declare convictions, false names or addresses, falsified references or failure to disclose in full information requested by the Licensing Authority) will normally result in a licence being refused, or if already granted, revoked and may result in prosecution.

2.10 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi/PHV, it is much less serious. This is not the case; any driving offences are relevant as they put the public at risk.

3. Private Hire Operators

3.1 A Private Hire Operator does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the Private Hire Vehicle (except where they are also licensed as a Private Hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

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3.2 The general test of fitness and propriety for Private Hire Operators is:

"Without any prejudice, and based on the information before you, would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

3.3 As public trust and confidence in the overall safety and integrity of the Private Hire system is vital, the same standards will be applied to operators as those applied to drivers as regards fit and proper, apart from any driving convictions the Licensing Authority is aware of.

4. Vehicle Proprietors

4.1 Vehicle proprietors must ensure that the vehicle is always maintained to an acceptable standard, and they must ensure that the vehicle is not used for illegal or illicit purposes.

4.2 Vehicle proprietors that have information on their DBS certificate that is not in line with this guidance will be subject to the same standards as those applied to drivers regarding their fitness and propriety.

5. General Procedure

5.1 *New Applicants*

A conviction, caution, relevant information relating to the alleged commission of an offence, or any behaviour bringing into question the fitness and propriety of an applicant falling within any of the categories set out below will result in any new applicant being referred to Authorised Officers for determination under delegated powers, or to the Licensing Panel where appropriate.

5.2 *Existing Licence Holders*

A conviction, caution, relevant information relating to the alleged commission of an offence, or any behaviour bringing into question the fitness and propriety of an existing licence holder falling within any of the categories set out below will result in the existing licensed driver, operator or proprietor being referred to Authorised Officers to determine a course of action.

5.3 In cases where it is in the interests of public safety, an Authorised Officer or Licensing Panel may suspend or revoke a driver's licence with immediate effect following a review. In such cases, the licence holder will be afforded a reasonable opportunity to offer an explanation/mitigation, but if that opportunity is not taken up within a specified period of time determined by the allegations made, appropriate action may be taken without that explanation/mitigation.

5.4 In all cases, a statement that this is so and an explanation will be given as to why it is in the interests of public safety to suspend or revoke immediately and the suspension/revocation takes effect when the notice is served on the driver.

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5.5 *Complaints*

A complaint relating to the conduct of an operator, driver or vehicle proprietor, may, depending on the severity of the allegations, result in a written warning, suspension or revocation of the licence. Complaints can be submitted to the Licensing Authority, and details are available on the Council's website. Consideration will be given to evidence provided by both parties, and this may also include patterns of poor behaviour, and/or where numerous complaints have been received by the Licensing Authority and/or Operator.

5.6 *Previous Conduct*

Where an applicant who has previously held a licence at this or any other authority or, on review of an existing licence and relevant convictions, has previously been considered by the Licensing Authority then any decision on a new application or on review can be made by either an Authorised Officer or Licensing Panel. The Authorised Officer or Licensing Panel will consider any relevant convictions or behaviour that have arisen since any previous application or review. There will be occasions when previously considered convictions or behaviour will be of value and can be referred to in order to indicate a pattern of behaviour which may result in them again being considered in decision making, particularly if the conviction(s) or behaviour is/are of a similar nature to those that have arisen since any previous application or review. Patterns of repeated unacceptable behaviour are likely to cause greater concern. This will be treated particularly seriously if the applicant or licence holder's conduct towards Licensing Authority staff falls below the standards expected.

5.7 An applicant or licence holder whose application/licence is subject to an appearance before the appropriate Licensing Panel will be advised in writing /telephone and/or by email of the date and time of the meeting. He or she has the right to appear in person at the hearing to give verbal or written information in support of the application/licence and to be represented if required. If the applicant or licence holder fails to attend the review hearing without reasonable excuse, the determination or review will normally proceed in his or her absence. At the hearing, the Authorised Officers will produce a report which will include recommendations to the Licensing Panel.

5.8 In all cases involving suspension, revocation and refusal to grant or renew the applicant or licence holder, there is a right to appeal against the decision of the Licensing Authority through the Magistrates' Court within 21 days beginning with the day on which the written decision notice is deemed to have been received by the applicant or licence holder. The decision notice will give reasons for the suspension/revocation or refusal to renew/grant the licence and will also outline the appeal rights.

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5.9 For the avoidance of doubt where a person is sentenced to a period of imprisonment or detention at a Young Offenders Institution reference to expiry of sentence shall be deemed to mean expiry of the actual term imposed and not any earlier release date.

5.10 Decisions will normally be made in accordance with these guidelines; however, each case will be considered on its merits. Regard will be had, where applicable, to the factors listed in paragraph 2.1 above.

5.11 Dependent on the facts and where deemed appropriate, an Authorised Officer may make a decision contrary to that suggested by this Policy or where appropriate refer a matter to the Licensing Panel for decision. In these circumstances, reasons will be given and recorded.

5.12 Offences listed in the tables below show examples of the type of offence in a particular category. The lists are not exhaustive and offences outside of these examples may be considered by Authorised Officers or the Licensing Panel.

5.13 *Other Testing*

Hackney Carriage and Private Hire Vehicle drivers should be able to communicate satisfactorily in English (both orally and in writing) in order to be considered a fit and proper person to hold a licence. Not being able to communicate in English to a satisfactory level may result in the suspension, revocation of or refusal to renew an existing licence or the refusal to grant a new one.

5.14 In order for an applicant or licence holder to be considered a fit and proper person to hold a licence their standard of driving should be at a satisfactory level which will be determined by a driving assessment for new applicants and existing licence holders where appropriate. This level is to be determined by the Licensing Authority and in appropriate cases further driver training assessment may be deemed necessary. Evidence of driving ability which is below the satisfactory level required may result in the refusal to grant or renew a licence, or the suspension or revocation of an existing licence.

5.15 Applicants or licence holders may be required to undertake medical testing at the request of the Council at their own expense, and this may be required at short notice.

5.16 Applicants for the grant or renewal of a driver's licence will have to undergo an enhanced DBS check, which will also include a check of the barred lists. In the interest of public safety, a licence will not normally be issued to an individual on any of the barred lists. The Licensing Authority requires drivers to subscribe to the DBS update service which enables a check to be made on the status of a DBS certificate at any time. Checks may be made periodically throughout the duration of the licence. These checks may include police checks.

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5.17 *Determination of Action to be Taken*

When determining the appropriate action to take in relation to an application or the review of a driver's or operator's licence, the following actions will be used as guidance. In all cases, any specified period for suspension, revocation, refusal to grant, or refusal to renew refers to the period during which the individual must remain free from further convictions, excluding any custodial sentence imposed.

6. Minor Traffic offences

The Licensing Authority takes all driving offences seriously, particularly where an applicant demonstrates a pattern of offending behaviour.

6.1 A minor traffic or vehicle-related offence will generally be one that does not involve:

- Loss of life or serious injury;
- Driving under the influence of alcohol or drugs;
- Driving whilst using a mobile phone or other handheld device; (see 18.10)
- Significant damage to property or vehicles; or
- Any behaviour that presents a substantial risk to public safety.

This list is not exhaustive, and each case will be considered on its individual merits. The Licensing Authority reserves the right to determine that an offence normally regarded as minor should be treated as a major offence where the specific circumstances warrant a higher level of concern.

This may include, but is not limited to, cases involving aggravating factors, repeated offending, or conduct that raises concerns regarding the applicant's fitness and propriety to hold a licence.

6.2 Examples of Minor Traffic Offences

Code / Category	**Description**
Construction and use offences	
CU10	Using a vehicle with defective brakes
CU20	Causing, or being likely to cause, danger by reason of use of an unsuitable vehicle or using a vehicle with parts or accessories, excluding brakes, steering or tyres, in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering

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CU50	Causing, or being likely to cause, danger by reason of load or passengers
Insurance offences	
IN10	Using a vehicle uninsured against third party risks
Licence offences	
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been cancelled, revoked or refused on medical grounds
Miscellaneous offences	
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS60	Offences not covered by other codes, including offences relating to breach of requirements as to control of vehicle
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc.
Motorway offences	
MW10	Contravention of special roads regulations, including exceeding speed limits
Pedestrian crossings	
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle

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Speed limits	
SP10	Exceeding goods vehicle speed limits
SP20	Exceeding speed limit for type of vehicle, excluding goods or passenger vehicles
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
Traffic directions and signs	
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with 'stop' sign
TS40	Failing to comply with direction of a constable or warden
TS50	Failing to comply with traffic sign, excluding 'stop' signs, traffic lights or double white lines
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign

6.3 Where an applicant or licence holder has been convicted, has penalty points (endorsements) on their DVLA licence or has been issued a Fixed Penalty Notice (FPN) for minor traffic or similar offences, the following framework will normally apply:

(a) 0-6 points

- A written warning will normally be issued and recorded on the licence holder's file.

(b) 7-9 points

- Referral for a suitability assessment by an authorised officer. This may result in a licence holder being referred for a fit and proper assessment by the Licensing Panel.
- The driver may be required to undertake an approved driver awareness course and/or driving assessment at their own expense.

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(c) 10-11 points

- Referral for a fit and proper person assessment.
- The matter may be referred to the Licensing Panel and may result in suspension depending on the circumstances of the case.

In all cases, the nature of the offences, any pattern of behaviour, and the overall safety risk posed by the driver will be taken into account.

7. Totting Up – Section 35 Road Traffic Offenders Act 1988

7.1 If the total number of penalty points reaches 12 or more within 3 years the driver is liable to be disqualified from driving under the "Totting Up" procedure.

(a) A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of the conviction, caution or in the absence of these the date of the offence or relevant incident and a road risk assessment may have to be satisfactorily completed prior to a licence being granted. An existing licence will normally be revoked.

(b) Repeat totting up offences – will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted.

8. Major Traffic Offences

8.1 A major traffic offence is any road traffic offence, which may result in the endorsement of four or more penalty points, a period of disqualification from driving, imprisonment, or a combination of these penalties.

8.2 For the purposes of this policy, the offences listed below will normally be regarded as major traffic offences. This list is not exhaustive and may be amended from time to time.

8.3 The Licensing Authority will consider the nature and circumstances of any traffic offence when determining whether an applicant or licence holder remains a fit and proper person to hold a licence. Where aggravating factors are present, or where there is a pattern of offending behaviour, the Licensing Authority may treat an offence as a major traffic offence even if it is not specifically listed within this Policy.

8.4 This ensures that each case is assessed on its own merits, taking account of public safety, the protection of the public, and the individual's overall driving record.

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8.5 Examples of Major Traffic Offences

Code / Category	Description
Accident offences	
AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offences
Disqualified driver	
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
Careless driving	
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers

Reckless/Dangerous driving

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DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
Drink	
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while alcohol level above limit
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
Drugs	
DG10	Driving or attempting to drive with drug level above the specified limit
DG60	Causing death by careless driving with drug level above the limit

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DG80	Driving or attempting to drive when unfit through drugs
DG40	In charge of a vehicle while drug level above specified limit
DR90	In charge of a vehicle when unfit through drugs
Theft or unauthorised taking	
UT50	Aggravated taking of a vehicle
Mutual recognition' codes	
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out obligations placed on a driver after being involved in a road accident
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

(a) Other conduct constituting an offence for which a driving disqualification has been imposed will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for seven (7) years following the expiration of the disqualification period or if not disqualified seven (7) years from the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.

(b) Repeat offences – will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for twelve (12) years following the expiration of the last disqualification period or if not disqualified twelve (12) years from the date of the most recent conviction, caution or in the absence of these the date of the last offence or relevant incident.

9. Drink Driving Offences and Driving under the Influence of Drugs

9.1 Any drink-driving or drug-related driving offence is treated very seriously by the Licensing Authority. An offence of this nature is highly relevant to the individual's role as a Dual Hackney Carriage and Private Hire driver.

(a) First offence

Will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for seven (7) years following the expiration of the disqualification period or if not disqualified seven (7) years from the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.

(b) Repeat offences

Will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for twelve (12) years following the expiration of the last disqualification period or if not disqualified twelve (12) years from the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.

10. Drugs (Possession)

10.1 Possession of illegal drugs or other drugs related offences (excluding the dealing, manufacture or supply of drugs, for which there is a separate guideline below), the applicant will normally be required to satisfy the Licensing Authority that they are free of addiction subject to a licence being granted.

(a) First offence

Will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for five (5) years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident. In these circumstances, any applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

(b) Repeat offences

Will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for seven (7) years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident. In these circumstances, any applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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11. Drugs (Supply)

11.1 Due to the nature of work carried out in the Hackney Carriage and Private Hire industry, the dealing, manufacture or supply of drugs is treated very seriously and will normally preclude a licence being issued for a considerable time.

(a) First offence

Will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for ten (10) years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident.

(b) Repeat offences

Will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted.

12. Public Indecency Offences

12.1 Public indecency relates to an act or display which is obscene or disgusting to an extent which outrages minimum standards of public decency in contemporary society and is in a place accessible to or in view of the public.

12.2 Indecency offences of a sexual nature will normally be dealt with under the Sexual Offences Guidelines.

12.3 The holder of a proprietors, operators and/or Private Hire or Hackney Carriage drivers' licence are in a position of trust and Hackney Carriage/Private Hire drivers often work in isolation with members of society. Therefore, any offence for indecency is treated very seriously.

(a) First offence – will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for seven (7) years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident.

(b) Repeat offences – will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted.

13. Sexual Offences

13.1 Drivers are in a position of trust and frequently have unsupervised contact with members of the public, including vulnerable persons. The Council therefore takes an extremely serious view of sexual offences and sexually inappropriate behaviour. An applicant or licence holder who has committed a sexual offence, or who has engaged in conduct of a sexual nature giving rise to safeguarding concerns, will normally be considered unsuitable to hold a licence.

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13.2 There will be a strong presumption that an application will be refused, or an existing licence revoked, where an applicant or licence holder has been convicted of, cautioned for, admitted to, or otherwise been found on the balance of probabilities to have committed a sexual offence or sexually motivated misconduct. Each case will be determined on its individual merits, having regard to the Council's overriding duty to protect the public

14. Dishonesty

14.1 All applicants and licence holders are expected to be honest, trustworthy and act with integrity. As licensed drivers are entrusted with the safety and wellbeing of members of the public, the Licensing Authority will take a serious view of any offence involving dishonesty.

14.2 An applicant or licence holder convicted of an offence involving dishonesty will be assessed on a case-by-case basis, taking into account the nature and seriousness of the offence, the age at which it was committed, the time elapsed since the offence, any pattern of offending, and any evidence of rehabilitation.

14.3 For the purpose of this policy the following are examples of offences involving 'Dishonesty':

- Theft.
- Burglary.
- Fraud.
- Benefit fraud (including offences under Section 111A and 112 of the Social Security Administration Act 1992).
- Handling or receiving stolen goods.
- Forgery (e.g. producing false insurance policy).
- Conspiracy to defraud.
- Obtaining money or property by deception
- Other deception.

(a) First offence – will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for seven (7) years following the date of conviction, caution, expiry of a prison sentence or, in the absence of these, the date of the last offence or relevant incident.

(b) Repeat offences – will normally result in revocation or refusal to renew, subject to consideration of all relevant circumstances. A new licence will not normally be granted for twelve (12) years following the date of conviction, caution, expiry of a prison sentence or, in the absence of these, the date of the last offence or relevant incident.

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14.4 Dishonesty in connection with the application or licensing process will be treated particularly seriously. This includes, but is not limited to:

- Failure to disclose convictions, cautions, warnings or relevant incidents;
- Providing false or misleading information;
- Using a false name or address;
- Submitting falsified, altered or misleading documents or references; or
- Any attempt to mislead the Licensing Authority.

14.5 Where an applicant or licence holder is found to have acted dishonestly during the application or licensing process, an application will normally be refused. Where a licence has already been granted, the Licensing Authority will normally consider suspension or revocation of that licence and may take any other action available to it under the relevant legislation.

15. Obstruction of Police Officer/Authorised Officer (to include failure to surrender to bail)

15.1 Licensed drivers are expected to cooperate fully with Police Officers, Authorised Officers and the Licensing Authority in the exercise of their duties. Where an applicant or licence holder has been convicted of an offence involving obstruction, the Licensing Authority will consider the nature of the conduct, the circumstances of the offence, any aggravating or mitigating factors, any pattern of offending, and its relevance to the individual's suitability to hold a licence.

(a) First offence

A first offence will normally be considered on its merits. Depending on the seriousness of the matter, the Authority may take no action, issue a written warning, require additional training, suspend a licence, refuse an application, or take any other action considered appropriate.

(b) Repeat offences

Repeat offending, or conduct demonstrating a deliberate lack of cooperation with law enforcement or regulatory officers, will be treated seriously and will normally result in a refusal to renew and /or a referral to a Licensing Panel for a decision to suspend or revoke, subject to the individual circumstances of the case.

16. Anti-Social Behaviour and Public Order Offences

16.1 Licensed drivers are expected to demonstrate a professional, calm and non-confrontational manner at all times. Conduct involving threats, intimidation, harassment, disorderly behaviour or violence may raise concerns regarding an individual's suitability to hold a licence.

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16.2 For the purposes of this policy, public order offences may include, but are not limited to:

- Affray;
- Section 4 Public Order Act 1986 (Fear or Provocation of Violence);
- Section 4A Public Order Act 1986 (Intentional Harassment, Alarm or Distress);
- Violent Disorder;
- Riot; and
- Other offences involving disorderly, threatening or intimidating behaviour.

This list is not exhaustive.

16.3 Where an applicant or licence holder has been convicted of, cautioned for, or otherwise been involved in a public order offence, the Licensing Authority will consider:

- The nature and seriousness of the offence;
- Whether violence, threats or intimidation were involved;
- The circumstances surrounding the offence;
- Whether the conduct was an isolated incident or forms part of a pattern of behaviour;
- The time elapsed since the offence;
- Any evidence of rehabilitation; and
- Any other information relevant to the fit and proper person assessment.

(a) First offence

A first public order offence will be considered on its individual merits. Where the offence is of a minor nature and there are no aggravating factors, the Licensing Authority may consider a warning, no formal action, or other proportionate intervention.

Where the offence involves violence, threats of violence, significant disorder, intimidation, hostility towards others, or otherwise raises public safety concerns, a licence may be suspended, revoked, refused or not renewed.

A new licence will not normally be granted until at least five (5) years have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the last relevant incident.

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(b) Repeat offences

Repeat public order offending will normally demonstrate an ongoing disregard for the standards expected of licensed drivers and will be treated seriously.

In such cases, the Licensing Authority will normally revoke or refuse to renew a licence and will not normally grant a new licence until at least seven (7) years have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the last relevant incident.

16.6 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

17. Violence Against a Person

17.1 Licensed drivers are expected to be respectful, professional and capable of exercising self-control in challenging situations. Offences involving violence against another person are taken seriously by the Licensing Authority as they may indicate a risk to public safety and call into question an individual's suitability to hold a licence.

17.2 For the purposes of this policy, offences involving violence against the person may include, but are not limited to:

- Common Assault;
- Battery;
- Assault Occasioning Actual Bodily Harm (ABH); and
- Other offences involving unlawful violence against another person.

This list is not exhaustive.

17.3 Where an applicant has a conviction, caution or other relevant information relating to an offence involving violence against the person, the Licensing Authority will consider:

- The nature and seriousness of the offence;
- The level of violence used;
- Any injuries caused;
- The circumstances of the incident;
- Whether the offence was an isolated incident or forms part of a pattern of behaviour;
- The time elapsed since the offence; and
- Any evidence of rehabilitation and good character.

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(a) First offence

Where an applicant has a conviction for an offence involving violence against the person, a licence will not normally be granted until at least seven (7) years have elapsed since the completion of any sentence imposed, conviction, caution, or, in the absence of these, the date of the last relevant incident.

Where the person is an existing licence holder, the Licensing Authority will consider suspension, revocation, refusal to renew, or any other appropriate action, having regard to all relevant circumstances and the need to protect the public.

(b) Repeat offences

Where an applicant or licence holder has more than one conviction, caution or relevant incident involving violence against the person, this will normally be regarded as evidence that they are not a fit and proper person to hold a licence.

A licence will not normally be granted until at least ten (10) years have elapsed since the completion of any sentence imposed, conviction, caution, or, in the absence of these, the date of the last relevant incident.

17.4 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

18. Serious Violence

18.1 The Licensing Authority regards offences involving serious violence as particularly relevant when assessing whether an individual is a fit and proper person to hold a licence. Such offences demonstrate a significant disregard for the safety and wellbeing of others and may raise serious concerns regarding the risk posed to members of the public.

18.2 For the purposes of this policy, offences involving serious violence may include, but are not limited to:

- Murder;
- Manslaughter;
- Attempted murder;
- Wounding or causing grievous bodily harm (GBH);
- Wounding or causing GBH with intent;
- Robbery involving violence;
- Arson with intent to endanger life;
- Possession or use of a weapon in the commission of a violent offence;
- Violent disorder;
- Kidnap or false imprisonment; and

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- Any offence involving serious injury, significant violence, or a substantial risk of harm to another person.

This list is not exhaustive.

18.3 Where an applicant or licence holder has been convicted of, cautioned for, or otherwise been involved in an offence involving serious violence, the Licensing Authority will consider:

- The nature and gravity of the offence;
- Any aggravating or mitigating factors;
- The level of violence, threat, intimidation or injury involved;
- Whether a weapon was used;
- The age of the offender at the time of the offence;
- The time elapsed since the offence;
- Any pattern of offending; and
- Any evidence of rehabilitation and good character.

(a) First offence

Where an applicant has a conviction for an offence involving serious violence, a licence will not normally be granted until at least ten (10) years have elapsed since the completion of any sentence imposed, conviction, caution, or, in the absence of these, the date of the last relevant incident.

Where the individual is an existing licence holder, the Licensing Authority will normally consider suspension, revocation, or refusal to renew, having regard to all relevant circumstances and the overriding objective of protecting the public.

(b) Repeat offences

Where an applicant or licence holder has more than one conviction, caution or relevant incident involving serious violence, they will normally be considered unsuitable to hold a licence.

A licence will not normally be granted until at least fifteen (15) years have elapsed since the completion of any sentence imposed, conviction, caution, or, in the absence of these, the date of the last relevant incident.

18.6 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

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19. Crimes resulting in Death

19.1 A conviction or caution for the following offences would normally preclude the applicant / licence holder from holding a licence due to the nature of the work involved. For the purpose of this policy, the following are offences resulting in loss of life or intent to cause loss of life.

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Attempted murder
- Corporate manslaughter
- Causing Death by Dangerous Driving

This is not an exhaustive list.

19.2 Where an applicant has been convicted of an offence resulting in the death of another person, or intended to cause the death of, or serious injury to, another person, they will not normally be granted a licence.

Where a licence holder is convicted of such an offence, the Licensing Authority will normally revoke the licence or refuse any subsequent application to renew.

20. Terrorism

20.1 The Licensing Authority recognises that offences connected with terrorism are among the most serious offences that can be committed. Such conduct raises fundamental concerns regarding public safety, trust, confidence and an individual's suitability to hold a licence.

20.2 For the purposes of this policy, terrorism has the meaning given by the Terrorism Act 2000 and includes the use or threat of action designed to influence a government or international governmental organisation, or to intimidate the public or a section of the public, for the purpose of advancing a political, religious, racial or ideological cause.

20.3 Terrorism-related conduct may include, but is not limited to:

- Serious violence against a person;
- Serious damage to property;
- Conduct endangering life;
- Conduct creating a serious risk to the health or safety of the public;
- Serious interference with or disruption of electronic systems;
- The use, possession or distribution of firearms, explosives or other prohibited materials for terrorist purposes;
- Encouragement, preparation, facilitation or commissioning of acts of terrorism; and

- Any offence under terrorism legislation.

This list is not exhaustive.

20.4 In determining whether an applicant or licence holder is a fit and proper person, the Licensing Authority may take into account convictions, cautions, other relevant criminal proceedings, intelligence, and any other information available to it, insofar as it is relevant and lawful to do so.

20.5 Where an applicant has been convicted of, cautioned for, or otherwise been involved in conduct connected with terrorism, a licence will not normally be granted.

20.6 Where a licence holder is convicted of, cautioned for, or otherwise found to have been involved in conduct connected with terrorism, the Licensing Authority will normally revoke the licence or refuse any application to renew.

20.7 Given the seriousness of terrorism-related offending, an applicant with a conviction or caution for a terrorism offence will normally be considered unsuitable to hold a licence indefinitely. Only in exceptional circumstances, supported by compelling evidence, would the Licensing Authority depart from this policy.

21. Hate Crime and Discrimination

21.1 Licensed drivers are expected to treat all members of the public fairly, respectfully and without discrimination. Conduct motivated by hostility, prejudice or discrimination is incompatible with the high standards expected of licence holders and may raise serious concerns regarding an individual's fitness and propriety.

21.2 For the purposes of this policy, a hate crime is any criminal offence which is motivated, wholly or partly, by hostility or prejudice towards a person:

- Disability;
- Race or ethnicity;
- Religion or belief;
- Sexual orientation;
- Transgender identity; or
- Any other protected characteristic recognised by law.

This list is not exhaustive.

21.3 The Licensing Authority will take a particularly serious view of any offence involving discrimination, prejudice, hostility, harassment or hate crime. In determining an application or reviewing an existing licence, the Authority will consider:

- The nature and seriousness of the conduct;
- Whether the offence involved violence, threats, intimidation or harassment;
- Whether the conduct was targeted towards a vulnerable person or group;

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- The circumstances surrounding the offence;
- Any pattern of offending or discriminatory behaviour;
- The time elapsed since the offence; and
- Any evidence of rehabilitation and good character.

Where an applicant has a conviction for a hate crime or discrimination-related offence, a licence will not normally be granted until at least seven (7) years have elapsed since completion of any sentence imposed.

Where an applicant has more than one conviction for a hate crime or discrimination-related offence, they will not normally be granted a licence unless there is compelling evidence of rehabilitation and the Licensing Authority is satisfied that they are a fit and proper person to hold a licence.

22. Plying for Hire convictions including Touting

22.1 Licensed drivers are expected to comply with all legislation, licence conditions and regulatory requirements governing the operation of Hackney Carriages and Private Hire Vehicles. Offences involving plying for hire, touting, unlawful hiring, or related insurance offences are taken seriously by the Licensing Authority as they demonstrate a disregard for the legal framework designed to protect public safety.

22.2 For the purposes of this policy, relevant offences may include, but are not limited to:

- Plying for hire;
- Touting or unlawfully soliciting passengers;
- Operating otherwise than in accordance with the terms of a driver's, vehicle or operator's licence;
- No insurance offences arising from unlawful hiring arrangements; and
- Other offences relating to the unlawful carriage of passengers.

This list is not exhaustive.

22.3 The Licensing Authority recognises that offences of this nature may place passengers at risk and can undermine public confidence in the licensed trade. Complaints, intelligence, enforcement records and other relevant information relating to plying for hire or touting may also be taken into account where it is lawful and appropriate to do so.

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(a) First offence

Where an applicant has been convicted of a plying for hire, touting or related offence, a licence will not normally be granted until at least three (3) years have elapsed since the completion of any sentence imposed, conviction, caution, or, in the absence of these, the date of the last relevant incident.

Where the individual is an existing licence holder, the Licensing Authority will consider suspension, revocation, refusal to renew, or any other appropriate action, having regard to all relevant circumstances and the need to protect the public.

(b) Repeat offences

Where an applicant or licence holder has more than one conviction, caution or relevant incident relating to plying for hire, touting or related offences, this will normally be regarded as evidence of a continued disregard for the regulatory framework governing licensed vehicles and drivers.

A licence will not normally be granted until at least five (5) years have elapsed since the completion of any sentence imposed, conviction, caution, or, in the absence of these, the date of the last relevant incident.

22.4 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

23. Licensing Offences and Breaches of Conditions/Byelaws

23.1 All licence holders are expected to comply with the requirements of the relevant legislation, licence conditions, byelaws and any reasonable requirements imposed by the Licensing Authority.

23.2 Licensed drivers, vehicle proprietors and operators must promptly notify the Licensing Authority of any criminal convictions, cautions, fixed penalty notices, motoring offences, investigations, changes in circumstances, or any other matter required to be disclosed by legislation, licence conditions or policy.

23.3 Failure to comply with licensing requirements, licence conditions or byelaws may raise concerns regarding an individual's fitness and propriety. In determining the appropriate action, the Licensing Authority will consider:

- The nature and seriousness of the breach;
- Whether the breach was deliberate, reckless or inadvertent;
- Any actual or potential risk to public safety;
- The compliance history of the licence holder;
- Any previous warnings, suspensions or enforcement action;
- Any mitigating or aggravating factors; and
- Any remedial action taken by the licence holder.

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(a) First offence

A first licensing offence or breach of a licence condition or byelaw will normally result in:

- Advice or guidance;
- A written warning;
- A requirement to undertake additional training at the licence holder's expense;
- Suspension of the licence; or
- Refusal to renew,

A first offence will normally result in advice, training or a written warning unless the breach is sufficiently serious to justify suspension, revocation or refusal.

(b) Second offence

A second licensing offence or breach will normally result in more formal enforcement action, including suspension, revocation or refusal to renew.

Where a licence is revoked or an application is refused, a new licence will not normally be granted for a period of six (6) months.

(c) Persistent non-compliance

Where a licence holder has committed three or more licensing offences or breaches, this will normally be regarded as evidence of a disregard for the regulatory framework and may indicate that they are no longer a fit and proper person to hold a licence.

In such cases, the Licensing Authority will normally revoke the licence or refuse to renew and will not normally grant a new licence for a period of three (3) years from the date of revocation or refusal.

(d) Failure to Disclose

Failure to disclose criminal convictions, cautions, fixed penalty notices, motoring offences or other matters that are required to be notified to the Licensing Authority will be treated seriously and may be considered an act of dishonesty.

Where the undisclosed matter falls within another section of this Policy, the Licensing Authority may apply the guidance contained in that section where it would result in a more serious outcome.

23.4 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

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24. Other Offences Under Taxi and Private Hire Legislation

24.1 The Licensing Authority expects all applicants and licence holders to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, relevant regulations, licence conditions and byelaws.

24.2 This section applies to offences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, associated regulations and byelaws that are not otherwise specifically addressed elsewhere within this Policy.

24.3 In determining the weight to be attached to any such offence, the Licensing Authority will consider:

- The nature and seriousness of the offence;
- The circumstances in which it occurred;
- Whether public safety was compromised;
- Whether the conduct was deliberate, reckless or inadvertent;
- Any previous convictions, cautions, warnings or enforcement action;
- Any pattern of non-compliance; and
- Any evidence of remediation, rehabilitation or good conduct.

(a) First offence

A first offence will normally be considered on its individual merits. The Licensing Authority may take no action, issue a written warning, require additional training, suspend a licence, refuse an application or renewal, or take any other action considered appropriate having regard to all relevant circumstances.

Where the offence is sufficiently serious, a new licence will not normally be granted until at least twelve (12) months have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the last relevant incident.

(b) Repeat offences

Repeat offending will normally be regarded as evidence of a disregard for the legislative and regulatory framework governing licensed drivers, vehicles and operators.

Where an applicant or licence holder has committed repeat offences, the Licensing Authority will normally consider revocation, refusal to renew, or refusal of an application.

A new licence will not normally be granted until at least five (5) years have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the last relevant incident.

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24.4 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

25. Breach of Requirements as to Control of the Vehicle

25.1 Licensed drivers are expected to always exercise proper control of their vehicle and to drive in a safe and responsible manner. Offences involving a failure to maintain proper control of a vehicle may place passengers, other road users and pedestrians at significant risk and will therefore be treated seriously by the Licensing Authority.

25.2 For the purposes of this policy, such offences may include, but are not limited to:

- Using a handheld mobile phone or other handheld communication device whilst driving;
- Driving without proper control of a vehicle;
- Careless or inconsiderate driving where vehicle control is a factor;
- Failing to maintain proper attention whilst driving; and
- Other offences demonstrating a failure to control a vehicle safely.

This list is not exhaustive.

25.3 In determining whether an applicant or licence holder remains a fit and proper person to hold a licence, the Licensing Authority will consider:

- The nature and seriousness of the offence;
- Whether passengers were being carried at the time;
- Any collision, injury, damage or risk caused;
- Whether the conduct was deliberate or repeated;
- Any previous motoring convictions or endorsements;
- The time elapsed since the offence; and
- Any other relevant circumstances.

(a) First offence

Where an applicant has been convicted of an offence involving the use of a handheld mobile phone whilst driving, or another serious breach of vehicle control requirements, a licence will not normally be granted until at least **five (5) years** have elapsed since the completion of any sentence imposed, disqualification period, conviction, caution, or, in the absence of these, the date of the last relevant incident.

Where the individual is an existing licence holder, the Licensing Authority will normally consider suspension, revocation or refusal to renew, having regard to all relevant circumstances and the need to protect public safety.

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(b) Repeat offences

Where an applicant or licence holder has more than one conviction or relevant incident involving a failure to maintain proper control of a vehicle, this will normally be regarded as evidence of a disregard for road safety and professional driving standards.

A licence will not normally be granted until at least ten (10) years have elapsed since the completion of any sentence imposed, disqualification period, conviction, caution, or, in the absence of these, the date of the last relevant incident.

25.4 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

26. Health Act 2006

26.1 Licensed drivers are prohibited from smoking in any licensed vehicle. Smoking in a licensed vehicle may expose passengers and other persons to second-hand smoke and is contrary to the standards expected of licensed drivers.

For the purposes of this policy, "smoking" has the meaning given by the Health Act 2006 and includes smoking tobacco, any substance containing tobacco, or any other lit substance.

26.2 Whilst the use of electronic cigarettes or vaping devices is not prohibited under the Health Act 2006, it is prohibited by the Council's licensing conditions. For the purposes of enforcement under this Policy, vaping in a licensed vehicle will normally be treated in the same manner as smoking.

(a) First offence

A first offence will normally result in:

- A Fixed Penalty Notice (where applicable); and
- A written warning being issued and retained on the licence holder's record.

(b) Repeat offences

Repeat offences will normally result in:

- A Fixed Penalty Notice (where applicable);
- A formal warning;
- Referral to the Licensing Panel or Committee to consider whether the licence holder remains a fit and proper person to hold a licence; and/or
- Suspension, revocation or refusal to renew, having regard to all relevant circumstances.

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26.3 In determining the appropriate action, the Licensing Authority will consider:

- The number and frequency of previous offences;
- Whether passengers were present;
- Any previous warnings or enforcement action;
- The licence holder's compliance history; and
- Any other relevant mitigating or aggravating factors.

27. Conduct of Applicants / Licence Holders

27.1 Applicants and licence holders are expected to maintain high standards of conduct, professionalism and courtesy at all times. They must act in a manner that promotes public confidence in the licensed trade and demonstrates that they are fit and proper persons to hold a licence.

27.2 Where the conduct of an applicant or licence holder falls below the standards expected by the Licensing Authority, the Authority will consider the circumstances of the case, including:

- The nature and seriousness of the conduct;
- Whether the conduct involved a passenger, member of the public, Council officer or another licence holder;
- Any risk posed to public safety;
- Whether the conduct was deliberate, reckless or repeated;
- Any previous complaints, warnings, convictions or enforcement action;
- Any mitigating or aggravating factors; and
- Any evidence of remorse, insight or remedial action.

(a) First instance

A first incident will normally be considered on its individual merits. Depending on the seriousness of the conduct, the Licensing Authority may:

- Take no further action;
- Issue advice or guidance;
- Issue a verbal or written warning;
- Require the completion of training at the licence holder's expense;
- Suspend the licence;
- Refuse an application or renewal; or
- Take any other action considered appropriate.

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Where the conduct is sufficiently serious, a new licence will not normally be granted for a period of between three (3) and twelve (12) months from the date of the relevant incident or the conclusion of any review hearing relating to that incident, whichever is the later.

(b) Repeat instances

Repeat incidents of misconduct will normally be regarded as evidence that the applicant or licence holder is failing to meet the standards expected of a licensed driver, proprietor or operator.

In such cases, the Licensing Authority will normally consider suspension, revocation or refusal to renew.

A new licence will not normally be granted for a period of three (3) years from the date of the most recent relevant incident or the conclusion of any review hearing relating to that incident, whichever is later.

27.3 Notwithstanding the above guidance, where conduct falls significantly below the standards expected of a licence holder, the Licensing Authority may determine that suspension, revocation, refusal or refusal to renew is appropriate, even where this is a first incident.

Examples may include:

- Conduct involving passengers or vulnerable persons;
- Aggressive, threatening, abusive or intimidating behaviour;
- Conduct that undermines public confidence in the licensed trade;
- Behaviour affecting public safety;
- Serious breaches of professional standards; or
- Any conduct that causes the Licensing Authority to question whether the individual remains a fit and proper person to hold a licence.

27.4 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

28. Equality Act 2010 - Breach of Licence Conditions / Byelaws

28.1 Licensed drivers and operators must comply with the requirements of the Equality Act 2010. They are expected to provide services in a fair, respectful and non-discriminatory manner and must not treat any passenger less favourably because of a protected characteristic.

28.2 It is an offence under the Equality Act 2010 for a driver or operator, without lawful exemption, to:

- Refuse to carry an assistance dog;
- Refuse to carry a disabled person accompanied by an assistance dog;

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- Make any additional charge for carrying an assistance dog; or
- Otherwise fail to comply with the duties imposed by the Equality Act 2010.

28.3 Where a driver has been granted a medical exemption in accordance with the Equality Act 2010, the exemption notice issued by the Council must be displayed in accordance with the Council's requirements. Drivers are also responsible for ensuring that any operator for whom they work is aware of the exemption.

28.4 Offences involving discrimination against disabled passengers are regarded as serious matters and will normally result in the Licensing Authority considering whether the individual remains a fit and proper person to hold a licence.

(a) First instance

Where an applicant or licence holder is convicted of, cautioned for, or is the subject of other reliable evidence of a breach of the Equality Act 2010 relating to the carriage of disabled passengers or assistance dogs, the Licensing Authority will normally consider suspension, revocation or refusal to renew.

A new licence will not normally be granted until at least seven (7) years have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the relevant incident or determination by the Licensing Authority, whichever is later.

The Licensing Authority may also exercise its powers of immediate suspension or revocation where it considers it necessary in the interests of public safety.

(b) Repeat offences

Repeat offences involving discrimination, assistance dogs, disabled passengers or breaches of duties under the Equality Act 2010 will normally result in revocation or refusal to renew.

An applicant with multiple offences of this nature will not normally be granted a licence unless there is compelling evidence that they are a fit and proper person to hold one.

28.5 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety or undermine the principles of equality and non-discrimination.

29. Environmental Crime Legislation, Health & Safety Legislation, Food Safety Offences and Licensing Act offences etc.

29.1 Holders of Hackney Carriage, Private Hire Driver, Vehicle Proprietor and Operator licences are expected to demonstrate high standards of conduct, integrity and compliance with all relevant legislation. A licence issued by the Licensing Authority signifies that the holder is considered a fit and proper person and can be trusted to act lawfully and responsibly.

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29.2 Offences relating to environmental crime, health and safety, food safety, licensing legislation, consumer protection or similar regulatory matters may be relevant to an individual's fitness and propriety, particularly where the offence demonstrates a disregard for legal obligations, public safety, or the welfare of others.

29.3 This section may include, but is not limited to, offences under:

- Environmental Protection legislation;
- Health and Safety legislation;
- Food Safety legislation;
- The Licensing Act 2003;
- Consumer Protection legislation; and
- Other regulatory offences not specifically addressed elsewhere within this Policy.

This list is not exhaustive.

29.4 When determining the relevance of any such offence, the Licensing Authority will consider:

- The nature and seriousness of the offence;
- Whether it was a one-off incident or forms part of a pattern of behaviour;
- Whether public safety was compromised;
- Whether the conduct was deliberate, reckless or negligent;
- Any financial gain obtained through the offending;
- The time elapsed since the offence; and
- Any evidence of rehabilitation or good conduct.

(a) First offence

A first offence will normally be considered on its individual merits. The Licensing Authority may take no further action, issue a written warning, require additional training, suspend a licence, refuse an application or renewal, or take any other action considered appropriate having regard to all relevant circumstances.

Where the offence is sufficiently serious, a new licence will not normally be granted until at least six (6) months have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the relevant incident.

(b) Repeat offences

Repeat offences may indicate a disregard for legal requirements and regulatory compliance and will be treated more seriously.

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The Licensing Authority will normally consider suspension, revocation or refusal to renew and a new licence will not normally be granted until at least three (3) years have elapsed from the date of conviction, caution, completion of any sentence imposed, or, in the absence of these, the date of the relevant incident.

29.5 The Licensing Authority may depart from this policy where exceptional circumstances exist and where it is satisfied that doing so would not compromise public safety.

30. Immigration Status

30.1 Applicants and licence holders must satisfy the Licensing Authority that they have the legal right to work in the United Kingdom and are entitled to undertake work as a Hackney Carriage and/or Private Hire Vehicle Driver.

30.2 The Licensing Authority will carry out right to work checks in accordance with the Immigration Act 2016 and any relevant Home Office guidance in force at the time of the application.

30.3 New Applications and Renewals

Where an applicant fails to provide satisfactory evidence of their right to work in the United Kingdom, or where the Licensing Authority is unable to verify that right, an application for the grant or renewal of a licence will normally be refused.

30.4 Existing Licence Holders

Where an existing licence holder ceases to have the legal right to work in the United Kingdom or fails to provide satisfactory evidence of that right when requested, the Licensing Authority will review the licence and may suspend, revoke or refuse to renew the licence in accordance with the relevant legislation and the circumstances of the case.

30.5 Time-Limited Permission to Work

Where an applicant or licence holder has time-limited permission to work in the United Kingdom, any licence granted may be limited in duration and will not extend beyond the period for which the applicant is entitled to undertake licensed work.

30.6 Any attempt to provide false, altered or misleading documentation, or to otherwise mislead the Licensing Authority regarding immigration status or entitlement to work, will be treated as a serious matter and may be considered under the Policy section relating to dishonesty.

31. Delegations

31.1 Under the Council's Constitution, the Regulatory Committee (and, where delegated, the Licensing Panel) is responsible for determining Hackney Carriage and Private Hire licensing matters and exercising the Council's non-executive regulatory functions.

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To ensure the efficient and effective administration of the licensing regime, less contentious matters may be determined by appropriately authorised officers in accordance with the Council's Scheme of Delegation.

This approach promotes effective decision-making whilst ensuring an appropriate separation between officers responsible for investigating complaints, enforcement activities and licensing compliance, and those responsible for determining applications and regulatory action. Such separation assists in maintaining fairness, transparency, consistency and public confidence in the licensing process.

31.2 Authorised officers may exercise delegated powers in accordance with the Council's Constitution and Scheme of Delegation.

31.3 Matters involving complex issues, significant public safety concerns, departures from policy, or where it is otherwise considered appropriate, may be referred to the Regulatory Committee or Licensing Panel for determination.

31.4 Where a licence holder's conduct gives rise to an immediate concern for public safety, any decision to suspend or revoke a licence with immediate effect shall be made by an appropriately authorised senior officer in accordance with the Council's Constitution, relevant legislation and Scheme of Delegation.

31.5 Nothing within this Policy prevents the Licensing Authority from exercising any statutory power available to it where it is necessary to protect the public or maintain confidence in the licensed trade.

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ANNEX 2 – Certificate of Good Conduct

Frequently Asked Questions Guidance

All applicants who have spent three or more continuous months outside the United Kingdom since the age of 18 will be required to provide Certificate of Good Conduct (COFG) for these periods, these do include extended vacations.

What is a COGC and how do I get one?

A COGC is an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. It should document any convictions recorded against the individual or confirm 'good conduct'.

Does it have to be in English?

All COGS must be provided in English and can usually be obtained via the relevant embassy, consulate, or high commission in the UK. The Home Office has published guidance, including contact details, on how to apply for criminal records checks for time spent abroad.

You must provide proof of the COGC's authenticity from the UK embassy, consulate, or high commission of the country of issue.

You will be responsible for any costs incurred in order to translate any documentation prior to issue to the Local Authority. It must be a notarised translation.

The guidance from the Home Office and associated countries can be found here.

What If I am unable to obtain a COGC?

We appreciate there may be some situations where it is not possible to obtain a COGC. In these circumstances you must obtain evidence why you have been unable to obtain a COGC and each case will be dealt with on a case-by-case basis along with the evidence provided.

Applicants are expected to make every effort to get hold of the information from the relevant embassy office.

If you are unable to obtain a Criminal Record Certificate, Certificate of Good Conduct or equivalent, you will need to provide references from official individuals or organisations who can confirm your conduct during your time in the relevant country instead. Personal references are not acceptable.

What if I have achieved asylum?

If you have been granted, or are awaiting a decision to be granted, asylum/refugee status you are not required to produce a COGC from the country you are claiming asylum from but if you have remained outside of the UK for three or more continuous months since the age of 18 then you must obtain a COGC from any other country.

To gain this exemption you must provide a clear and legible copy of either your certificate or registration or a letter issued by UK visas and immigration.

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Applicants are required to provide evidence of their application for the required documentation; we will consider providing a temporary/short term licence whilst awaiting the documentation from the Home Office. Failure to provide evidence or documentation to support asylum status will result in the application being incomplete. Drivers may not work if their renewal application is incomplete.

Will my renewal application be delayed?

We recommend if you are aware that you meet the requirements to provide a COGC on renewal then you submit your application to the relevant embassy as soon as possible. If you can provide evidence of your application to the relevant embassy at the time of your application and it has yet to be responded to then you may be issued with a short-term licence whilst the COGC is pending. This will be on a case-by-case basis depending on the evidence provided.

Renewal reminders are usually sent two months prior to expiry, and this should assist with obtaining the required documentation prior to renewal.

Do I have to submit the COGC on every renewal?

Once you have provided your COGC on renewal unless you are outside of the UK for a further period of three months or more after issue and before your next renewal then you will not be required to submit the COGC again. However, any new extended period outside of the UK will require a COGC to be submitted at the next renewal.

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Annex 3

Safeguarding Training for taxi and private hire drivers - Approved providers

- Warwickshire County Council – Safeguarding training by Warwickshire Transport Delivery – Booking for these events can be found on Eventbrite.
- BLT Driver Training (Blue Lamp Trust) **Virtual Safeguarding Course for Taxi Drivers | BLT Driver Training – CPD Certified**

Annex 4

Disability Awareness Training for taxi and private hire drivers - Approved providers

- Warwickshire County Council – Disability Awareness training by Warwickshire Transport Delivery – Booking for these events can be found on Eventbrite.
- BLT Driver Training (Blue Lamp Trust) **Disability Awareness Training for Taxi Drivers | BLT Driver Training – CPD Certified Virtual Course**

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Annex 5 - Hackney Carriage and Private Hire Drivers' Licence Conditions

This licence is granted to you subject to you complying with the following conditions of licence. The Licensing Authority reserves the right to vary these conditions or impose further conditions at any time without further consultation.

Failure to comply with any of the conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not renewed by the Licensing Authority.

Possession of this document does not guarantee that the licence is in force. Its validity may be established by the Licensing Authority.

If you are aggrieved by any of these conditions attached to your licence you may make an application for exemption from them and attend a hearing before the appropriate panel or committee. Alternatively, you can appeal to a Magistrates' Court within twenty-one (21) days of the service of this licence and conditions on you.

If you have any difficulty in understanding or complying with of any of the conditions below, please inform the Licensing Authority immediately so that arrangements can be made to assist you in that respect. These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, those contained within the Local Government (Miscellaneous Provisions) Act 1976.

Accident Reporting

1. The driver must immediately stop and take all reasonable steps required by law following any accident, collision, or incident involving a licensed vehicle, whether or not the vehicle is carrying passengers and regardless of fault.

2. The driver must notify the licensing authority as soon as reasonably practicable and in any event within three (3) days of any accident or incident involving the licensed vehicle that results in:

    - Injury to any person
    - Damage to any vehicle or property
    - The vehicle becoming unroadworthy or unsafe

Animals / Assistance Dogs

3. The driver may not carry his/her or an Operator's animal whilst engaged in carrying a fare.

4. Passenger owned animals might be carried at the driver's discretion.

5. Drivers of licensed Hackney Carriages and Private Hire Vehicles must carry any assistance dog accompanying a disabled passenger. Refusal is unlawful unless the driver holds a valid medical exemption.

6. Any driver with a medical reason for not complying with condition 5 above must apply to the Council for a certificate of exemption. Any charge for any necessary medical examination is to be paid by the applicant. The holder of such certificate of exemption shall ensure that it is always displayed within the vehicle.

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7. Drivers must not charge any additional fee for carrying an assistance dog.

8. Drivers must not refuse a booking because the passenger will be travelling with an assistance dog. Such refusal constitutes discrimination under the Equality Act 2010.

9. Assistance dogs must remain with the passenger during the journey.

10. A driver must not request documentation as a condition of carriage.

11. A driver must not refuse carriage to a disabled passenger because of their assistance dog.

12. A driver must not provide a lower standard of service (e.g. longer waiting times) due to the presence of an assistance dog.

Appearance / Conduct

13. Drivers shall be clean and tidy in appearance.

14. The driver shall always be dressed in a manner not to cause embarrassment or offence to members of the public.

15. The driver must behave in a civil, orderly and respectful manner always whilst acting as the driver of a Hackney Carriage or Private Hire vehicle.

16. The licence holder must not discriminate against any person whilst acting as the driver of a Hackney Carriage or Private Hire vehicle because of their:

    • Age

    • Disability

    • Gender reassignment

    • Marriage & Civil Partnership

    • Pregnancy & Maternity

    • Race

    • Religion or Belief

    • Sex

    • Sexual Orientation

17. The licence holder must not engage in inappropriate conversations with passengers. Inappropriate topics of conversation including (but are not limited to) references to a person's personal life, relationship status, appearance, religion or political beliefs.

18. The licensed holder must at all times drive in a safe, courteous and professional manner and comply with the Highway Code, Road Traffic legislation.

19. When a passenger is in the vehicle, a driver should not eat or drink in the vehicle.

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20. The licence holder must not smoke or use any e-cigarette or other vaping device inside any licensed Hackney Carriage or Private Hire vehicle at any time.

21. The licence holder must not play any audio in a licensed Hackney Carriage or Private Hire vehicle at such a level as to cause annoyance to the hirer.

22. The licence holder must only use the horn of a vehicle in accordance with the Highway Code and specifically shall not sound their horn to announce their arrival or presence to the hirer.

23. The driver shall not without the express consent of the hirer, convey or permit to be conveyed, any other person in the vehicle.

23. The driver shall cooperate fully in the investigation of complaints by the Head of Environment or any other officer authorised by him and shall attend at the Offices of the District Council and produce any information reasonably requested during the course of such investigation.

Assisting Passengers

24. The driver must offer passengers reasonable assistance with the loading and unloading of any luggage or baggage into and out of, any licensed vehicle they are in control of.

25. A licence holder must offer reasonable assistance to any person with a disability or other mobility issue, when that person is entering or leaving a licensed vehicle, they are in control of.

Badges

26. The driver will wear their drivers' badge at all times in such a manner as to be clearly and distinctly visible unless the vehicle is being used in connection with a wedding or funeral.

27. A duplicate identification badge will be issued and must be fixed to the dashboard or partition screen to enable the passengers to be able to easily identify the driver.

28. Upon expiry, revocation or suspension, the licence must be surrendered to the Licensing Authority on demand. (The badge always remains the property of the Licensing Authority.)

29. Where a badge is lost or stolen; the driver must report to the Licensing Authority and request a replacement within twenty-four (24) hours of knowing the badge has been lost or stolen. This will be at the drivers' own expense.

Card Payment Facilities (From 1 January 2027)

30. The driver must carry and maintain at all times while on duty a fully functioning payment device capable of accepting card and contactless payments for fares.

31. The payment device must be available for use by passengers upon request, and the driver must not refuse or discourage a passenger from paying by card where such payment is requested.

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32. The driver is responsible for ensuring that the device is charged, operational, and connected prior to commencing hire.

33. Where the payment device becomes temporarily unavailable due to equipment failure, the driver must cease taking hirings until the device is restored to working order, unless otherwise authorised by the Licensing Authority.

Carriage of Under 3s

34. Children under three (3) years of age count toward the licensed passenger capacity, regardless of whether a seat belt or child seat is used.

35. Drivers must refuse carriage if accepting the passenger (including under 3's) would exceed the vehicles licensed capacity.

36. Where no suitable child restraint is available, children under the age of three (3) may only be carried in the rear seats of the vehicle.

37. Drivers are not required to supply a child seat, however if a suitable child seat is available, it must be used.

Change of address / circumstances / convictions and cautions

38. The driver must notify the Licensing Authority in writing of any change of their name or address during the period of the licence within seven (7) days of such a change taking place.

39. The driver also must notify the Licensing Authority within seven (7) days of:

- Any criminal conviction
- Any motoring conviction
- Any fixed-penalty notice
- Any police caution
- Any formal warning or reprimand issued by a law-enforcement body

Notification must be in writing and include full details, including date, offence type, issuing authority, and any supporting documentation.

40. The driver must notify the Licensing Authority in writing within forty-eight (48) hours of being arrested, regardless of:

- Whether they are charged
- Whether they are bailed
- Whether the arrest results in no further action

Notification must be in writing and include full details of the date and time of arrest, offence allegation, the police force involved and any bail conditions imposed.

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41. The driver must notify the Licensing Authority as soon as reasonably practicable and within no more than seventy-two (72) hours if they have a developed a medical condition that might impair their ability to drive a motor vehicle.

DBS update Service

42. The licence holder must maintain a continuous and valid subscription to the Disclosure and Barring Service (DBS) Update Service for the duration of time they are licensed to drive Hackney Carriage and/or Private Hire Vehicles.

43. The licence holder must provide evidence of their DBS Update Service status, including the original DBS certificate and Update Service reference, upon request by an authorised officer of the Licensing Authority.

44. Failure to maintain a valid DBS Update Service subscription, or to provide verification when requested, may result in the suspension, refusal, or revocation of the driver's licence.

Driver Eligibility and Licensing Requirements

45. All licensed drivers must be able to read, write, and communicate effectively in English, including having a good standard of spoken English, sufficient to understand and comply with licence conditions and to ensure the safety and welfare of passengers.

46. All drivers must hold a full and valid DVLA driving licence with entitlement to drive Category B vehicles and must have held such entitlement for a period specified by the Licensing Authority.

47. Drivers must, upon request, produce a valid DVLA online check code to enable an authorised officer of the Licensing Authority to view and verify their driving licence record.

Medical certification

Initial Medical Assessment

48. All applicants for the grant of a first driver's licence must undertake a medical examination to assess fitness to drive in accordance with the DVLA Group two (2) Medical Standards. The medical examination and accompanying medical report must be completed by a registered medical practitioner who has access to the applicant's full medical records.

    A licence will only be granted where the medical assessment confirms that the applicant is medically fit to drive in accordance with DVLA Group two (2) requirements.

Ongoing Medical Assessments (Ages 45–64)

49. Licensed drivers must undergo a further medical examination upon reaching the age of 45 (forty-five) years, and every three years thereafter, in line with DVLA Group two (2) licensing requirements.

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Each medical assessment must be completed within the same calendar month as the driver's month of birth and submitted by the deadline specified by the Licensing Authority.

Failure to provide a satisfactory medical certificate may result in the suspension or revocation of the driver's licence.

Annual Medical Assessments (Age 65 and over)

50. From the age of sixty-five (65), licensed drivers must undergo a medical examination annually to demonstrate continued compliance with the DVLA Group two (2) Medical Standards.

    An annual licence will only be issued or renewed where a valid medical certificate confirming fitness to drive has been provided.

    Each medical assessment must be completed within the same calendar month as the driver's date of birth and submitted by the deadline specified by the Licensing Authority.

    Failure to provide a satisfactory medical certificate may result in the suspension or revocation of the driver's licence.

Safeguarding and Disability Awareness Training

51. Drivers must complete the Licensing Authority's approved safeguarding and disability awareness training before a licence is granted.

52. All existing drivers must complete the approved safeguarding and disability awareness training at their first licence renewal following the adoption of this Policy.

53. All drivers must complete refresher safeguarding and disability awareness training every three (3) years, in line with their Dual Driver's Licence renewal date.

54. Drivers must provide acceptable evidence of completion of their safeguarding training including:

    - Drivers Name
    - Course Title
    - Date completed
    - Training provider

55. Drivers must ensure their safeguarding and disability awareness knowledge remains current and must attend any additional training the Licensing Authority deems necessary.

56. Drivers must produce evidence of training when request by an Authorised Officer.

Failure to provide the required evidence upon request is a breach of licence conditions and may result in suspension or revocation.

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Use of Mobile Phones, PDAs, and App-Based Systems

57. Drivers must not use a handheld mobile phone, PDA, or any similar device at any time while the vehicle is in motion or when supervising passengers.

58. Devices may only be used when:

- Securely mounted in an appropriate cradle or holder, and
- Operated hands-free in full compliance with road traffic law

59. Drivers may accept bookings via licensed operator apps only when the device is mounted.

60. Drivers must not hold, touch, or manually interact with the device while the vehicle is moving.

61. Any interaction must take place only when the vehicle is stationary and must not compromise safety.

62. Navigation devices must be mounted in a cradle with routes set before the journey begins.

63. Drivers must not manually adjust navigation settings while the vehicle is moving.

64. Payment processing via a device is permitted only when the vehicle is stationary.

65. All devices used in the vehicle must be positioned so that they:

- Do not obstruct the driver's view of the road;
- Do not interfere with vehicle controls;
- Do not cause distraction;
- Provide a clear view to passengers where required (e.g., fare display).

Lost Property

66. The driver shall, immediately upon completion of any hiring, or as soon as reasonably practicable thereafter, carefully search the vehicle for any property that may have been accidentally left by a passenger.

67. Any property found must be retained safely. Where possible returned to the owner. Property not claimed must be handed to the police or the Private Hire Operator within seventy (72) hours of it being found, in accordance with the driver's legal obligations.

68. The driver must, upon request, provide details of any lost property found and the operator or police station to which it has been submitted.

Receipts

69. Where a passenger requests a receipt for any fare paid, the driver must provide a receipt immediately or as soon as reasonably practicable.

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The receipt must include the following details:

- The date of the journey
- The fare paid
- The signature of the driver
- Sufficient information to identify the individual driver and/or the operator/company issuing the receipt

Failure to provide a receipt upon request, or to ensure that the receipt contains the required information, may result in licensing enforcement action.

Vehicle Plates

70. The driver must not wilfully or negligently conceal, obscure, or cause to be concealed or obscured, any internal or external licence plate or identifying plate attached to the vehicle at any time while the vehicle is licensed or hired.

71. The driver must not cause or permit the vehicle to be used or hired if any licence plate or identifying plate is defaced, damaged, altered, or otherwise rendered illegible, whether in whole or in part.

72. All licence plates must be securely fixed, clean, and clearly visible to the public at all times.

Vehicle Safety and Daily Checks

73. The driver must take all reasonable steps to ensure that any licensed vehicle is safe, roadworthy, and fit for use before it is driven or used for hire.

74. The driver must conduct a visual and operational safety check of the vehicle prior to the commencement of the first hire of each day, which must include, but is not limited to, checks of:

- Tyres and wheels
- Brakes
- Lights and indicators
- Windscreen, mirrors, washers and wipers
- Fluid levels, including engine oil, coolant/water and screen wash
- Seatbelts
- Horn
- Doors and bodywork
- Licence plates and any required signage

75. Where a defect is identified that may affect the safety, legality, or roadworthiness of the vehicle, the driver must not use or permit the vehicle to be used for hire until the defect has been properly rectified.

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76. The driver is responsible for reporting defects promptly in accordance with the procedures of the vehicle proprietor and/or Licensing Authority.

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Annex 6 - Hackney Carriage Vehicle Proprietor Conditions

This licence is granted subject to compliance with the following conditions of licence. The Licensing Authority reserves the right to vary these conditions or impose further conditions at any time.

Failure to comply with any of the conditions may lead to a prosecution or could lead to the licence being suspended, revoked or not renewed by the Licensing Authority.

Possession of this document does not guarantee that the licence is in force, nor does it guarantee that the licensed vehicle is in an on-going roadworthy condition. Its validity may be established by the Licensing Authority.

Any person aggrieved by any of these conditions attached to the licence may make an application for exemption from them and attend a hearing before the appropriate panel or committee. Alternatively, an appeal may be made to a Magistrates' Court within twenty-one (21) days of the grant of this licence and conditions.

If there is any difficulty in understanding or complying with of any of the conditions below, please inform the Licensing Authority immediately so that arrangements can be made to assist in that respect.

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, those contained within the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle Safety and Suitability

1. The proprietor of the vehicle must ensure that the vehicle is maintained in a safe, roadworthy and clean condition at all times.
2. The proprietor must ensure the vehicle is fit for purpose for the carriage of passengers, with no defects likely to compromise passenger or driver safety.
3. Any defect, damage or alteration affecting the safety or suitability of the vehicle must be reported to the Licensing Authority without delay and may result in suspension until rectified.
4. The vehicle must not be used for any purpose that would compromise passenger safety or public confidence, including dual use (as both a Hackney Carriage and Private Hire Vehicle) or licensing by another authority

Vehicle Type, Design and Accessibility

5. The vehicle must be of a type, size and design suitable for use as a Hackney Carriage and compliant with the criteria set out in Stratford on Avon District Council's policy for Hackney Carriage Vehicles.
6. Wheelchair accessible vehicles must provide:
    - safe access and egress,
    - appropriately secured wheelchair restraints,
    - safe seating and belts for wheelchair users,

- adequate headroom and manoeuvring space.

Testing, Inspections and Maintenance

7. The vehicle must pass all inspections required by the Council in accordance with the DfT statutory standards and the Council's authorised testing manual.

8. The proprietor must ensure that vehicles over three (3) years of age have a further MOT and inspection confirming that the vehicle meets the Council's requirements midway through the period of the licence (six (6) months after the issue date).

9. Any vehicle issued with an MOT failure must not be used for private hire until the defect is rectified and approval is confirmed by the Licensing Authority.

Failure to submit inspection documentation within required timescales may result in immediate suspension of the vehicle licence.

Passenger Safety and Interior Standards

10. All passengers must be able to enter and exit the vehicle safely and without obstruction.

11. All passenger seats, including wheelchair positions, must be fitted with appropriate three-point seatbelts unless exempt under construction regulations.

12. Drivers are responsible for ensuring that children use appropriate restraints in line with legal requirements and the Department for Transport's Statutory taxi and private hire vehicle standards.

LPG / CNG Vehicles

13. Vehicles converted to Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) must comply with the Liquid Petroleum Gas Association's Code of Practice No.11 and Department for Transport's vehicle safety standards.

14. Certification must be provided prior to licensing and maintained throughout the licence period.

15. Any modification or repair to the fuel system must be reported and re-certified before the vehicle is used for hire.

Vehicle Condition (Internal and External)

16. The proprietor must ensure that the interior of the vehicle is clean, well maintained, and free from damage likely to cause discomfort or risk to passengers.

18. External bodywork must be free from significant dents, corrosion, or poor-quality repairs that could compromise safety or appearance.

Vehicles presenting an unacceptable standard may be suspended until defects are remedied.

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Signage, Identification and Advertising

19. Vehicles must clearly display Stratford on Avon District Council-issued plates and identification at all times in accordance with statutory and local requirements.

20. Signage must not obstruct visibility or create confusion as to licensing status.

21. Third-party advertising is prohibited.

Roof Signs

22. Hackney Carriage vehicles must display a compliant illuminated roof sign to clearly indicate availability for hire, in line with Department for Transport's recommendations.

23. Roof signs must comply with Road Vehicles Lighting Regulations and be securely fitted.

Glazing and Visibility

24. All vehicle glazing must meet minimum light transmission standards to ensure passenger visibility and public safety.

    - Front windscreens must let at least 75% of light through.
    - The front side windows must let at least 70% of light through.
    - Windows rear of the B-pillar must let at least 30% of light through.

25. Tinting that interferes with driver visibility, CCTV operation or safeguarding is prohibited.

Smoking and Vaping

26. Smoking or vaping is strictly prohibited in the vehicle at all times.

27. "No Smoking / No Vaping" signage must be clearly displayed. One sign must be placed so it is visible to passengers internally and one must be placed so customers can see it on the outside of the vehicle.

Trailers

28. Trailers may only be used with prior written authorisation of the Licensing Authority and must meet road safety standards.

29. The driver must hold the appropriate DVLA entitlement and trailers must not present a safety risk to passengers or road users.

Meters, Tariffs and Payments

30. All Hackney Carriage Vehicles must be fitted with an approved, tamper-proof taximeter.

31. From 1 January 2027, the vehicle must carry a working device to accept card and mobile wallet payments, subject to network availability.

32. No surcharge may be applied for card or mobile wallet payments.

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Fire Safety and First Aid

33. Vehicles must carry a serviced fire extinguisher compliant with British/European Standards.

34. A compliant first aid kit must be available at all times.

35. Drivers are not expected to provide medical care beyond their level of competence.

Accidents, Damage and Reporting

36. Any accident resulting in damage, injury, or affecting the roadworthiness or safety of the vehicle must be reported to the Licensing Authority within three days.

The form to report accidents can be found here: Accident Form

37. Vehicles may be required to undergo inspection before returning to service to ensure compliance with Department for Transport safety standards.

Transfers and Change of Ownership

38. The Licensing Authority must be notified of any transfer or change of ownership within fourteen (14) days.

The form to report a change of ownership can be found here: Change of Ownership Form

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Annex 7 - Private Hire Vehicle Proprietor Conditions

This licence is granted subject to compliance with the following conditions of licence. The Licensing Authority reserves the right to vary these conditions or impose further conditions at any time.

Failure to comply with any of the conditions may lead to a prosecution or could lead to the licence being suspended, revoked or not renewed by the Licensing Authority.

Possession of this document does not guarantee that the licence is in force, nor does it guarantee that the licensed vehicle is in an on-going roadworthy condition. Its validity may be established by the Licensing Authority.

Any person aggrieved by any of these conditions attached to the licence may make an application for exemption from them and attend a hearing before the appropriate panel or committee. Alternatively, an appeal may be made to a Magistrates' Court within twenty-one (21) days of the grant of this licence and conditions.

If there is any difficulty in understanding or complying with of any of the conditions below, please inform the Licensing Authority immediately so that arrangements can be made to assist in that respect.

These conditions are attached to your licence in addition to any other legal requirements to which you are required to comply. These include, but are not restricted to, those contained within the Local Government (Miscellaneous Provisions) Act 1976.

Vehicle Safety and Suitability

1. The proprietor of the vehicle must ensure that the vehicle is maintained in a safe, roadworthy and clean condition at all times.
2. The proprietor must ensure the vehicle is fit for purpose for the carriage of passengers, with no defects likely to compromise passenger or driver safety.
3. Any defect, damage or alteration affecting the safety or suitability of the vehicle must be reported to the Licensing Authority without delay and may result in suspension until rectified
4. The vehicle must not be used for any purpose that would compromise passenger safety or public confidence, including dual use as both a Hackney Carriage and Private Hire vehicle or licensing by another authority.

Vehicle Identification and Public Safety

5. Vehicles must display Stratford on Avon District Council-issued plates on the rear of the vehicle at all times unless a formal plate exemption has been granted.
6. Where a plate exemption applies, the internal licence disc must be clearly visible from inside and outside the vehicle and positioned so as not to obstruct the driver's view.
7. The vehicle must not display a roof sign or any signage that could mislead the public into believing the vehicle is available for immediate hire.

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Testing, Maintenance and Inspections

8. The vehicle must undergo all inspections required by the Licensing Authority and meet the standards set out in the Council's Authorised Testing Station Inspection Manual.

9. The proprietor must ensure that vehicles over three (3) years of age have a further MOT and inspection confirming that the vehicle meets the Council's requirements midway through the period of the licence (six (6) months after the issue date).

10. Any vehicle issued with an MOT failure must not be used for private hire until the defect is rectified and approval is confirmed by the Licensing Authority.

Failure to submit inspection documentation within required timescales may result in immediate suspension of the vehicle licence.

Passenger Safety and Interior Layout

11. All passengers must be able to enter and exit the vehicle safely and without obstruction.

12. No passenger seat shall be positioned such that a passenger must climb over luggage or fittings to exit the vehicle.

13. All passenger seats, including wheelchair positions, must be fitted with appropriate seatbelts, and the driver shall ensure children are restrained in accordance with legal requirements.

LPG / CNG Vehicles

14. Vehicles converted to Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) must comply with the Liquid Petroleum Gas Association's LPGA Code of Practice No.11 and Department for Transport's vehicle safety standards.

15. Certification must be provided prior to licensing and maintained throughout the licence period.

16. Any modification or repair to the fuel system must be reported and re-certified before the vehicle is used for hire.

Vehicle Condition (Internal and External)

17. The proprietor must ensure that the interior of the vehicle is clean, well maintained, and free from damage likely to cause discomfort or risk to passengers.

18. External bodywork must be free from significant dents, corrosion, or poor-quality repairs that could compromise safety or appearance.

Vehicles presenting an unacceptable standard may be suspended until defects are remedied.

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Signage and Advertising

19. Vehicles must clearly display Stratford on Avon District Council-issued plates and identification at all times in accordance with statutory and local requirements.

20. Signage must not obstruct visibility or create confusion as to licensing status.

21. Third-party advertising is prohibited.

Glazing and Visibility

24. All vehicle glazing must meet minimum light transmission standards to ensure passenger visibility and public safety. *(Unless a plate exemption is in place)*

- Front windscreens must let at least 75% of light through.
- The front side windows must let at least 70% of light through.
- Windows rear of the B-pillar must let at least 30% of light through.

25. Tinting that interferes with driver visibility, CCTV operation or safeguarding is prohibited.

Smoking and Vaping

22. Smoking or vaping is strictly prohibited in the vehicle at all times.

23. "No Smoking / No Vaping" signage must be clearly displayed and maintained in good condition. One sign must be placed so it is visible to passengers internally and one must be placed so customers can see it on the outside of the vehicle.

Trailers

24. Trailers may only be used with prior written authorisation of the Licensing Authority and must meet road safety standards.

25. The driver must hold the appropriate DVLA entitlement and trailers must not present a safety risk to passengers or road users.

Payment Methods and Fares

26. From 1 January 2027 the vehicle must carry a working device to accept card and mobile wallet payments, subject to network availability.

27. No additional charge or surcharge may be applied for payment by card or mobile wallet.

Fire Safety and First Aid

28. The vehicle must carry a securely fitted, in-date fire extinguisher compliant with British or European Standards.

29. A compliant first aid kit must be available at all times.

30. Drivers are not expected to provide first aid beyond their competence.

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Accidents, Damage and Reporting

31. Any accident resulting in damage, injury, or affecting the roadworthiness or safety of the vehicle must be reported to the Licensing Authority within three (3) days.

The form to report accidents can be found here: Accident Form

32. The vehicle may be required to undergo inspection or compliance testing before returning to service.

Transfers and Change of Ownership

33. The Licensing Authority must be notified of any transfer or change of ownership within fourteen (14) days.

The form to report a change of ownership can be found here: Change of Ownership Form

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Annex 8 - Private Hire Operator Licence Conditions

This licence is granted to the licence holder subject to compliance with the following conditions of licence. The Licensing Authority reserves the right to vary these conditions or impose further conditions at any time.

Failure to comply with any of the conditions may lead to a prosecution or could lead to the licence being suspended, revoked or not renewed by the Licensing Authority.

Possession of this document does not guarantee that the licence is in force. Its validity may be established by the Licensing Authority.

Any person aggrieved by any of the conditions attached to the licence may make an application for exemption from them and attend a hearing before the appropriate panel or committee. Alternatively, an appeal may be made to a Magistrates' Court within twenty-one (21) days of the grant of this licence and conditions.

If there is any difficulty in understanding or complying with of any of the conditions below, please inform the Licensing Authority immediately so that arrangements can be made to assist in that respect.

These conditions are attached to the licence in addition to any other legal requirements. These include, but are not restricted to, those contained within the Local Government (Miscellaneous Provisions) Act 1976.

Accident reporting

1. The operator shall ensure that all licensed drivers:
    a) Are aware of the accident reporting procedures
    b) Report any accident to the Licensing Authority within seventy-two (72) hours of an accident that has happened in a vehicle that is covered by the operator's licence.

Animal / Assistance Dogs

2. Operators must not refuse a booking because the passenger will be travelling with an assistance dog. Such refusal constitutes discrimination under the Equality Act 2010.
3. Operators must not request documentation as a condition of carriage.
4. Operators must not charge any additional fee for carrying an assistance dog.

Appearance

5. An Operator, to the best of their knowledge, shall ensure that all drivers operated by them are clean and presentable and that the vehicles dispatched are clean and in a roadworthy condition.

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Safeguarding and Disability Awareness Training

6. The Operator shall have a written safeguarding policy in place. All drivers engaged by the operator must be made aware of, and comply with, this policy.

7. The Operator shall have a written procedure in place for dealing with vulnerable passengers and a procedure for reporting incidents involving risk or harm. All drivers engaged by the operator must be made aware of, and comply with, this policy.

8. The Operator (Named on the operator application) must complete the Licensing Authority's approved safeguarding and disability awareness training before a licence is granted.

9. All existing Operators must complete the approved safeguarding and disability awareness training at their first licence renewal following the adoption of this policy.

10. All named operators must complete refresher safeguarding and disability awareness training every five (5) years, in line with their Operator's Licence renewal date.

9. Operators must provide acceptable evidence of completion of their safeguarding training including:

   - Operator Name
   - Course Title
   - Date completed
   - Training provider

10. Operators must ensure their safeguarding and disability awareness knowledge remains current and must attend any additional training the Licensing Authority deems necessary.

11. Operators must produce evidence of training when request by an Authorised Officer.

Operators who also hold a dual driver's licence – will not need to comply with conditions 8-9 above if they have complied with the safeguarding and disability conditions of their dual driver's badge.

Change of address /circumstances / convictions and cautions

10. The Operator must notify the licensing authority by email to licensing@stratford-dc.gov.uk within forty-eight (48) hours of any:

    a. Arrest, police investigation, charge, bail conditions, bail extension, summons, conviction, caution, warning, voluntary interview or interview under caution, child abduction warning notice, domestic violence prevention order, anti-social behaviour order, fixed penalty notices or community resolution for any offence.

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b. A notice of intended prosecution, driving licence points, endorsements and disqualifications.

c. Public Service Vehicle (PSV) Operator licence written warning, refusal, suspension or revocation.

d. Invitation to attend a licence review or licence refusal, suspension or revocation by any other licensing authority. If the other licence is suspended or revoked immediately, the licensing authority must be notified immediately.

11. The Operator must notify the licensing authority by email within forty-eight (48) hours of any changes to their name (including trading name), address, telephone number or email address.

12. If the Operator is a limited company or partnership, a change of partners, directors, registered office address or intention to dissolve must be notified to the Licensing Authority by email within forty-eight (48) hours.

13. The Operator must provide a basic DBS certificate to the licensing authority on every anniversary of the date of licence grant, during the life of the licence. The certificate must be dated within one month of submission. If the operator is a limited company or partnership, a certificate must be provided for each director or partner.

14. If the Operator is a limited company or partnership and it is proposed that a new director or partner joins, the proposed director or partner must provide a basic DBS certificate dated within the last month to the Licensing Authority for consideration prior to them being appointed or joining the partnership.

15. If the Operator, directors or partners change their name, they must notify the Licensing Authority by email to licensing@stratford-dc.gov.uk and apply for a new DBS certificate declaring their current name and all previous names within forty-eight (48) hours. This certificate must then be produced to the Licensing Authority.

Operator Responsibilities

16. Operators with public facing premises will have in force a current public liability insurance policy to a minimum of £5 million, a copy of which will be made available to the Licensing Authority on applicant, renewal and at reasonable request.

17. The Operator must ensure that any publicly accessible premises they provide, whether for the purpose of booking or waiting, are kept clean and adequately heated, ventilated and lit. The operator must ensure that any waiting area provided has adequate seating facilities, is for customers only and is kept physically separate from any staff area.

18. The Operators Licence must be on display on the premises in a prominent position. The Operator shall keep a copy of these conditions on the premises to which this licence relates and shall make the same available for inspection by an Authorised Officer at any reasonable time. If the Operator has a website, the licence number and the name of the Licensing Authority must be included.

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19. If the Operator employs more than five (5) people, a Health and Safety policy shall be available for inspection by an authorised officer, and the relevant notices shall be displayed on the premises.

20. The Operator must be able to identify passengers' accessibility needs prior to taking a booking, to ensure an appropriate vehicle is provided.

Driver records

21. The Operator must record and provide to an authorised officer, on request, the following details for each private hire driver they are partnered with:

    a. A copy of their current Dual Driver licence.

    b. A record of when the current Dual Driver licence expires.

    c. A copy of their current DVLA Driving Licence.

    d. A record of when the current DVLA Driving Licence expires.

    e. A copy of any medical exemption certificates issued by the licensing authority.

22. If the Operator partners with a driver who provides a medical exemption certificate, this must be verified with the Licensing Authority.

23. If the operator terminates the partnership with a private hire driver due to misconduct, the operator must notify the licensing authority of the full details within forty-eight (48) hours.

Vehicle records

24. The Operator must record and provide to an authorised officer, on request, the following details for each Private Hire vehicle they are partnered with:

    a. Registration number of the vehicle

    b. Private Hire Licence number

    c. Driver call sign (if any)

    d. Make/model/colour of vehicle

    e. A copy of the current Private Hire Vehicle licence

    f. A record of when the current Private Hire Vehicle licence expires

    g. A copy of the current insurance policy for the vehicle

    h. A record of when the current insurance policy expires

    i. Whether the vehicle is wheel-chair accessible

25. The information may be recorded electronically or in paper form but must be easily searchable and accessible for the purposes of responding to enquiries from an authorised officer and should be retained for at least twelve months and be available for inspection by an Authorised Officer at any reasonable time.

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Vehicles

26. Operators must ensure that private hire vehicles engaged by them do not display:

    a) Roof signs

    b) Unapproved advertising or signage.

Accepting Bookings

27. Operators must not accept bookings that they are unlikely to be able to fulfil punctually and must notify customers at the earliest opportunity if they are unable to fulfil a booking.

28. For every booking accepted for a private hire vehicle, the operator must request and record the following details:

    a. Any accessibility needs of any of the passengers

    b. Passenger's name

    c. Telephone number, email address or residential address for the hirer

    d. Time and date the booking was made

    e. Pickup location of the passenger

    f. Scheduled pickup time and date

    g. Any fare agreed in advance (where appropriate)

    h. If cancelled, the time and date of the cancellation request

    i. The individual that took the details of the booking (if not recorded by a computer)

    j. If the booking is sub-contracted.

    k. Name of the driver and driver licence number who conducted the journey

    l. Registration of vehicle that took the journey

29. If the booking is sub-contracted:

    a. The operator to whom the booking is sub-contracted

    b. The time and date the booking was sub-contracted and accepted

30. Where the Operator dispatches a private hire vehicle for a booking, they shall keep a full and accurate record of:

    a. The individual that dispatched the vehicle (if not dispatched by a computer)

    b. The other private hire drivers that responded to the booking request, including those that were unsuccessful in being allocated the booking.

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31. When dispatching a vehicle, the operator must provide the customer with the details of the vehicle and driver dispatched to fulfil the booking, including, as a minimum, the vehicle registration number, the driver's name and the number of the driver and vehicle licences.

32. These records must be maintained in a bound book with consecutively numbered pages or an appropriate digital booking system, accessible at the Operator's trading address. Any digital booking system used must be auditable to a level that shows when an entry was made or amended. Records must be kept for twelve (12) months from the date of the journey and must be made available to an authorised officer on request

33. At all times that an operator is actively dispatching vehicles there shall be an identified phone number on which the operator (or their nominee) is available for contact at all hours of operation by an authorised officer.

34. Requests for information from an authorised officer must be responded to within three (3) working days.

35. The Operator must ensure that any personal information obtained during the course of their business is stored securely and only retained for as long as necessary, in compliance with data protection legislation. Access to this information must be restricted to only those persons who will use it for the purpose for which it was collected.

Fleet Insurance

36. Operators using vehicles under a fleet policy must ensure that the following details are listed on the insurance certificate, the schedule, or the policy itself:

    a. Each Private Hire Vehicle covered by the policy

    b. Any Private Hire Driver authorised to drive each vehicle

Complaints

37. The Operator must implement and maintain a complaints procedure that records

    a) a log of all complaints in the last twelve (12) months

    b) investigation outcomes

    c) Any actions taken

    d) Any reporting duties where safeguarding concerns arise.

38. Complaint records must be kept for a minimum of twelve months and must be made available to an authorised officer on request.

39. The Operator shall ensure that when a customer reports an incident or makes a complaint, the customer is informed that his or her details may be passed to the Licensing Authority or police in order for them to investigate further.

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40. In all cases, when referring complaints to the Licensing Authority, the Operator shall include a history of all complaints recorded against that driver.

41. The Operator must notify the licensing authority immediately if a school transport provider excludes a driver from undertaking contract work due to a complaint.

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