



Licensing Policies for:

Private Hire Vehicle

Hackney Carriage Vehicle

Private Hire Operators

Hackney Carriage/Private Hire Drivers



CONTENTS

	PAGE
1 Introduction	1
2 General Information	1
3 Consultation	1
4 Review of the Policy	2
5 Contacts	2
6 Glossary of Terms	3
7 Dual Hackney Carriage and Private Hire Drivers Policy	4
8 Hackney Carriage Vehicle Policy	8
9 Private Hire Policy	11
10 Private Hire Operators	14

1 Introduction

Stratford-on-Avon District Council is situated in the south of Warwickshire in the centre of England. It stretches from the edge of the West Midlands conurbation in the north to the Cotswold fringe in the south. The district covers a large rural area, some 980 km sq (378 square miles). About 110,000 people live in the District. The largest town is Stratford-upon-Avon that has 23,000 residents, with the other main market towns being Alcester, Shipston-on-Stour and Southam.

2 General Information

The aim of this policy is to:

- ensure the safety of persons using Hackney Carriages,
- provide a sufficient number of Wheelchair Accessible vehicles in accordance with the Disability Discrimination Act and the Council's own inclusive services policy.
- ensure that licensed vehicles meet emissions standards and encouraging the use of low pollutant vehicles.

It is the Council's wish to facilitate well-run and responsible businesses that display sensitivity to the needs of the general public. In doing so, the Council recognises the importance of licensed hackney carriages to the local economy. The aim of the licensing process is to regulate the Hackney Carriage trade in order to promote these objectives. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the aims and objectives set out above.

3 Consultation

In determining this licensing policy, the Council has consulted the following bodies:

- 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 - operators
- National Taxi and Private Hire Association
- GMB Union

We have also consulted other professional people within the council including:

- Legal Services
- Chair and members of General Purposes Licensing Committee
- Portfolio Holder for Environment
- Elected members

We have considered and taken into account the views of all the appropriate bodies and organisations.

4 Review of the Policy

This policy will be reviewed every five years. At the time of the review, we will again consult all interested parties. As well as the five-yearly reviews, we will continue to evaluate the policy and may update it at any time.

5 Contacts

The licensing function is part of Environment and is part of the Public Protection Division.

Our address is:

**Public Protection Division
Stratford on-Avon District Council
Elizabeth House
Church Street
Warwickshire CV37 6HX**

To ask about any licensing issue, first contact the **Licensing Team 01789 260211**, or visit our website: **www.stratford.gov.uk**, or via email on **licensing@stratford-dc.gov.uk**

Every application will be considered against the policy. Any person may ask for an exception to the policy but the applicant must be able to demonstrate sound and compelling reasons as to why the Committee should depart from this policy.

6 Glossary of Terms

Authorised Officer	One who is designated by the Authority to deal with matters of licensing and enforcement functions.
Council/Local Authority	Stratford on Avon District Council.
General Purposes Licensing Committee (GPLC)	A body of elected members who deal with all issues relating to the Council's activities as Licensing Authority
Hackney Carriage	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.
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
ECWVTA	European Community Whole Vehicle Type Approval

7 Dual Hackney Carriage and Private Hire Drivers Policy

1 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.

All Drivers' Licences issued by Stratford on Avon District Council will be Dual Licences. This means that the licence will enable the driver to drive either Hackney Carriage or Private Hire Vehicles. Licences are only available as a 3 year option.

2 Legislation

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

The legislation stated above are the predominant set of laws governing the regulation of drivers of Hackney Carriage and Private Hire vehicles.

3 Licensing Criteria

All drivers' licences will be **DUAL LICENCES** and enable a driver to drive both Hackney Carriage and Private Hire Vehicles. Applicants must satisfy the following criteria to be granted a licence to drive in the District:

- Have good conversational English.
- Be able to read and write in English
- Be over 21 years of age.
- Have held a full UK or EU member state driving licence for one year.
- Applicants for new licences should have no more than six current penalty points on their DVLA licence.
- Applicants for new licences must have passed the Knowledge Test within the preceding 6 months prior to submitting their application.
- Applicants for new licences must pass a Driving Assessment with The Driving Standards Agency. (When making the application, the pass certificate may not be more than one year old)
- The council's medical form (which is to the DVLA Group II Medical Standards), completed by a doctor, must be submitted with the initial application. The next medical will take place at 45 years of age and thereafter every three years in line with the renewal applications until the age of 65 years whereby the medical will take place annually.
- If required, the applicant will be asked to undertake an additional examination by a medical practitioner approved by the Council. This will normally be undertaken by an Occupational Health Physician. Any fees incurred as a result must be borne by the applicant

4 Fit and Proper Person

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”.

The following table provides the standards required by Stratford on Avon District Council.

(a) For all new applications:

Required Standards : Test	Method of Assessment
Driver standard	DSA Driving Test
Medical fitness	DVLA Group II Medical Assessment, to be submitted.
Conviction/Criminal History	CRB and DVLA Drivers check
Knowledge of legislation, byelaws and locality	Knowledge Test

(b) For all renewal applications:

Required Standards : Time	Method of Assessment
Driver standard	DSA Driving Test All drivers who have not previously undertaken a DSA Driving Assessment must do so and must provide their pass certificate to the Licensing section by 1 January 2013 . Any licence holder who does not provide a certificate will not be granted a renewal driver’s licence until the pass certificate is received.
Medical fitness	DVLA Group II Medical Assessment, to be provided at 45 years of age and thereafter every three years in line with the renewal application.
Conviction/Criminal History	CRB and DVLA Drivers check
Any action, behaviour or conduct must be in accordance with the legislation, byelaws or conditions in force at the time	

5 Penalty Points

Currently all applications for initial and renewal applications have to go before the General Purposes Licensing Committee for a decision to be made. If Members are minded to agree the following, this is likely to reduce the burden of minor offences being put before the committee.

Penalty Points on Renewal Applications

- (a) Applicants for **renewal** of licences should have no more than SIX current penalty points on their DVLA licence.
- (b) If the points are awarded for MINOR offences the applicant may be referred to the General Purposes Licensing Committee following consultation with the Licensing Chairman.
- (c) If the points are awarded for MAJOR offences the applicant **WILL** be referred to the General Purposes Licensing Committee.
- (d) Applicants with more than six current penalty points **will** be referred to the General Purposes Licensing Committee for determination of the application.
- (e) Applicants for renewal of licences must be free from new convictions and cautions since the date of the grant of their last licence.

6 Disability Awareness Training Course

In line with the requirements of the Disability Discrimination Act 2005 and the subsequent Code of Practice issued by the Disability Rights Commission, local authorities are under a duty to revise or review policies to ensure that they comply with our disability equality duty. Whilst the drivers themselves are not directly employed by the Council, they are licensed by us and it is to us that complaints are made regarding poor service or refusal to carry passengers. To this end, we propose that Disability Awareness Training is implemented as a matter of policy. This will eliminate the possibility of a driver refusing a passenger due to lack of knowledge or lack of training.

All drivers must therefore undertake **either**:

- Disability Awareness Training approved by the Council, or,
- VRQ and the NVQ Level 2 in Road Passenger Vehicle Driving for Community Transport; Hackney Carriage/Private Hire Vehicles [PHV] and Chauffeurs. Providing that the disability training module is undertaken and can be proven.

7 Committee Procedure and Right to Appeal

If the application for a licence is outside of these policies, the Licensing Section will write to the applicant outlining the reasons why their application may not be determined. The applicant will also be advised that they may request that the matter may be put before the General Purposes Licensing Committee.

Upon request, the applicant and his/her representative will be given the opportunity to attend the Committee and to present any information in support of their application that they feel will help members determine the application fairly.

Prior to the hearing the applicant will be sent an agenda together with a copy of all documents or information that are to be presented to the committee.

Should the General Purposes Licensing Committee refuse the application or revoke the Licence, the applicant will be notified in writing of the reasons for the decision within 14 days of the meeting.

The applicant then has the right to appeal against the decision to the Magistrates Court within 21 days of written receipt of this determination. Further appeal lies to the Crown Court.

8 Conditions

The Council has adopted byelaws and conditions relating to Hackney Carriages and Private Hire Drivers' Licences. These conditions are agreed by the General Purposes Licensing Committee. Once a licence is determined, the licence holder agrees to comply with the conditions of their licence.

8 Hackney Carriage Vehicle Policy

1 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.

2 Legislation

Town Police Clauses Act 1857

Local Government (Miscellaneous Provisions) Act 1976

The above legislation is used to regulate Hackney Carriages.

3 Hackney Carriage Vehicle licensing criteria

1. New vehicle licences will only be granted to constructed or adapted (by the manufacturer or his agent) wheelchair accessible vehicles.
2. New vehicle licences will only be granted to vehicles less than three years of age from the date of first registration. This date will be taken from the vehicle registration document.
3. Vehicle licences will not be renewed once a vehicle is over six years of age from the date of first registration.
4. Vehicles must be confirmed as fit for use in accordance with the hackney carriage vehicle licence criteria by one of the Council's nominated garages prior to a new application or renewal application being granted.
5. The Vehicle must be capable of complying with the Council's conditions for Hackney Carriages.
6. 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. All seats, front and rear and disabled must be fitted with three point seat belts. Current vehicles which do not meet these criteria may continue in service until they reach the current maximum age policy for such vehicles.
7. LPG Fuelled vehicles

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

That a valid Certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted Hackney Carriage vehicles unless such vehicles were factory converted from new.

8. Condition of vehicle

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

- (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers.
- (b) The vehicle is suitable in type, size and design as a hackney carriage vehicle

All vehicles must comply with the following requirements:-

- Be a car fitted with four road wheels and at least four doors
- Be a right hand drive.
- Vehicle to be capable of being identified as a Hackney Carriage
- Be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver.
- The council will not allow vehicles to be licensed for dual purposes or licensed by more than one authority.

9. Glazing

All glazing should offer a clear view of passengers within the vehicle.

10. Trailers

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.

11. Taximeter

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 is capable of complying with relevant legislation. Non WAV's already licensed by SDC will be required to be fitted with a calendar controlled tariff taximeter by 31/12/2010.

12. Roof signs

Hackney Carriage Vehicles to display a white roof sign capable of containing the wording Stratford on Avon DC above 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. This is to be implemented on the change of the vehicle.

An applicant whose vehicle does not meet the above criteria may request to have their application determined by the General Purposes Licensing Committee.

4 Wheelchair Accessible Vehicles (WAV's)

- From the date of the adoption of this policy current WAV Hackney Carriage Vehicles will be granted a new Hackney Carriage Vehicle Licence on (renewal) application. From the 1st January 2010 all Hackney Carriage Vehicle Licence applications must be for WAV's with the entire fleet becoming WAV's by 1 January 2016.
- From the 1 January 2010, existing and new purpose built or European Community Whole Vehicle Type Approved vehicles may benefit from an exemption to the age policy by nature of the robust construction. All purpose built or ECWVTA vehicles can benefit from an extension to the maximum age policy for a vehicle to 12 years. All other vehicles may only be licenced until they reach six years of age.

5 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 General Purposes Licensing Committee.

6 Fees

Fees and charges for all licences are payable in advance and may be taken or posted to Stratford on Avon District Council, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX. Cheques should be made payable to Stratford District Council.

Full details of all current fees and charges are obtainable from the Licensing Section, or from the Council website www.stratford.gov.uk

7 Committee 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 General Purposes Licensing Committee on their request.

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

An appeal against the council's refusal to grant a hackney carriage vehicle licence is made to the Crown Court

8 Conditions

The Council has adopted byelaws and conditions relating to Hackney Carriages. These conditions are agreed by the general Purposes Licensing committee.

9 Private Hire Vehicle Policy

1 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.

2 Legislation

Local Government (Miscellaneous Provisions) Act 1976

The above legislation is used to regulate drivers of Hackney Carriage and private Hire vehicles.

3 Private Hire Vehicle Licensing Criteria

1. New vehicle licences will only be granted to vehicles less than three years of age from the date of first registration. This date will be taken from the vehicle registration document.
2. Vehicle licences will not be renewed once a vehicle is over six years of age from the date of first registration.
3. Vehicles must be confirmed as fit for use in accordance with the Private Hire Vehicle licence criteria by one of the Council's nominated garages prior to a new application or renewal application being granted.
4. The Vehicle must be capable of complying with the Council's conditions for Private Hire Vehicles.
5. 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. All seats, front and rear and disabled must be fitted with three point seat belts. Current vehicles which do not meet these criteria may continue in service until they reach the current maximum age policy for such vehicles.
6. LPG Fuelled vehicles

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

That a valid Certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted Private Hire vehicles unless such vehicles were factory converted from new.

7. Condition of vehicle

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

- (a) The vehicle is in a satisfactory and safe condition for the carriage of passengers.
- (b) The vehicle is suitable in type, size and design as a hackney carriage vehicle

All vehicles must comply with the following requirements:-

- Be a car fitted with four road wheels and at least four doors
- Be a right hand drive.
- Vehicle to be capable of being identified as a Hackney Carriage
- Be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver.
- The council will not allow vehicles to be licensed for dual purposes or licensed by more than one authority.

8. Glazing

The requirement for clear glazing **will not** apply to Private Hire Vehicle

9. Trailers

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.

10. Vehicle Signage

- (1) Roof signs – No licensed Private Hire vehicle may display any roof sign from 1 January 2009.
- (2) Door Signs – Door signage to be used on all Private Hire vehicles in the format prescribed by The Local Authority.

4 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 General Purposes Licensing Committee.

5 Fees

Fees and charges for all licences are payable in advance to Stratford on Avon District Council, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX.

Full details of all current fees and charges are obtainable from the Licensing Section, or from the Council website www.stratford.gov.uk

Cheques should be made payable to **Stratford-on-Avon District Council**.

6 Committee 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 General Purposes Licensing Committee on their request.

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

7 Conditions

The Council has agreed conditions relating to Private Hire vehicles. These conditions are agreed by the General Purposes Licensing Committee.

10 Private Hire Operators Policy

1 Introduction

This part of the Licensing Policy sets out how we will deal with applications for Private Hire Operators licences in The District of Stratford on Avon.

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.

2 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

3 Private Hire Operators Licensing Criteria

1. Applicants must be over 21 years of age.
2. Applicants for new licences should be free from previous convictions and cautions, other than for minor traffic offences.
3. Applicants for renewal of licences should be free from new convictions and cautions, since the date of the last grant of their licence, other than for minor traffic offences

4 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 General Purposes Licensing Committee.

5 Fees

Fees and charges for all licences are payable in advance to **Stratford-on-Avon District Council, Elizabeth House, Church Street, Stratford-upon-Avon, CV37 6HX.**

Full details of all current fees and charges are obtainable from the **Licensing Section**, or from the Council website **www.stratford.gov.uk**

Cheques should be made payable to **Stratford-on-Avon District Council.**

6 Committee 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 General Purposes Licensing Committee on their request.

The applicant and his/her representative will be given the opportunity to attend the Committee and to present any information in support of their application that they feel will help members determine the application fairly. Prior to the hearing the applicant will be sent an agenda together with a copy of all documents or information that are to be presented to the committee. Should the Licensing Committee refuse, or revoke the Operators Licence, the operator will be notified in writing of the reasons for the decision within 14 days of the meeting. The operator has the right to appeal to the Magistrates Court within 21 days of written receipt of this decision. Further appeal lies to the Crown Court.

7 Conditions

The Council has adopted conditions relating to Private Hire Operators licences.

If you find the text in this publication difficult to read
we may be able to supply it in a format
better suited to your needs.

Telephone 01789 267575



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