

# Trade Times

Brought to you by Cheltenham Borough Council Licensing

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## Licensing enforcement

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# Licensing Enforcement Update

*“CBC are now proceeding with investigations against 8 suspected offenders with a view to prosecuting them for illegally plying for hire.”*

## Race Week 2016

Cheltenham Borough Council licensing and enforcement officers, working alongside the police and officers from neighbouring councils, carried out a week of enforcement activities during this year's Cheltenham Festival in March. As a result of the operations CBC are

now proceeding with investigations against 8 suspected offenders with a view to prosecuting them for illegally plying for hire.

The 8 suspected offenders are a combination of Cheltenham drivers who were not correctly licensed and drivers from outside the borough.

The offence of plying for hire without a licence is one that CBC takes very seriously and the council will seek to take appropriate action in every instance where evidence of an offence is available.

## Compliance checks

The council recently gave advance notice that it will be carrying out a number of taxi / PH operations to check licensed vehicles and drivers' compliance with licence conditions, policy requirements, vehicle fitness and maintenance. The operations will focus on both the public hire and private hire trade and will be undertaken at

different parts of the day and evening/night.

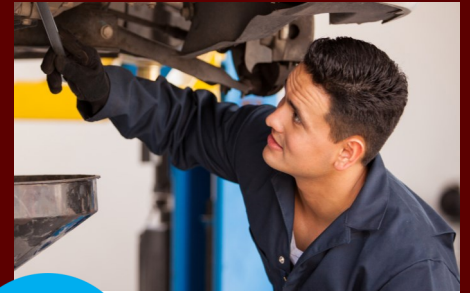
During these operations authorised council officers with support from Gloucestershire Constabulary will

inspect licensed vehicles and may suspend licences in cases where (not exhaustive list):

- licensed vehicles are not displaying, or are incorrectly displaying, the required signage/licence plates/badges etc.
- licensed drivers are not properly displaying licence badges
- the cleanliness of the licensed vehicles is not adequate
- damage to licensed vehicles that has not been reported to the council
- other roadworthiness and safety issues associated with vehicles (i.e. lights not working, tyres, mirrors etc.)

In giving advance notice the council is urging licence holders to ensure that they are compliant with the council's policy requirements and conditions.

If you are not sure of any of the requirements you can download a copy of the council's policy at [www.cheltenham.gov.uk/licensing](http://www.cheltenham.gov.uk/licensing) or please contact the licensing team.



## What happens when you fail your vehicle test?

If your vehicle fails its MOT or fitness test you should contact the licensing team immediately to see how it affects your licence.

### MOT failure: licence suspended

When a licensed vehicle fails an MOT test, the hackney carriage or private hire licence is always immediately suspended. This is because the vehicle has been deemed to be unroadworthy.

Even if the previous MOT certificate has not expired, the licence will be suspended because the failed MOT overrides all previous MOTs. A driver who continues to use their vehicle as a taxi or private hire vehicle after an MOT failure is committing an offence and is not properly insured.

The suspension will be lifted when the MOT test is retaken and passed and the appropriate documents are given to the licensing team.

### Fitness test failure

When a licensed vehicle passes its MOT test but fails the enhanced fitness test, for example due to scratches or cosmetic issues, the vehicle must be seen by a licensing officer at the Municipal Offices to inspect the extent of the damage. The licence may be suspended if the damage is severe or unsafe for passengers, or you may be given a notice to have the issues rectified within 28 days of the inspection.



## Licensing law update

### Policing & Crime Act



The Bill makes provisions for, amongst other things, changes to the regulation of taxis and private hire.

The new Act will introduce additional checks and requirements on licensing authorities to ensure that only those persons eligible to work can be licensed. The new powers relate to drivers and operator licences (not vehicle proprietors).

The new Act will also introduce new powers to suspend/revoke and/or refuse to renew licences for persons not qualified to hold such a licence, and create a power for the Secretary of State to issue guidance which licensing authorities must have regard to.

The Bill initially proposed a duty on licensing authorities to “carry out its functions ... with a view to preventing child sexual exploitation” in the context of taxi and private hire licensing.

The Government’s response to the amendment was to replace the safeguarding duty with a general power for the Secretary of State to issue guidance to licensing authorities that will address how those licensing functions may be exercised so as to protect children and vulnerable adults from harm. The power will impose a duty on those public authorities to have regard to the guidance.

The Bill is still going through the process and has now received Royal Assent.

### Immigration Act 2016



On the 12th of May 2016, the Immigration Act 2016 received Royal Assent which means it is now an Act of Parliament – although it is not in force yet.

### Equalities Act



The Minister for Transport has recently announced that the Government will bring into force powers that will impose duties on all licensed drivers to accept and assist a wheelchair user and not to charge extra for doing so.

The powers are outlined in sections 165 and 167 of the Equality Act 2010. Although the powers were on the statute books for over a decade – first introduced in the Disability Discrimination Act 1995 – they have never brought into force.

We will keep the trade up to date with developments.

## Information

### Weekly open sessions

Mondays: 10am - 1pm

Wednesdays: 1pm - 4pm

Fridays: 10am - 1pm

### Report it!

You have to tell the council when:

- You change your address
- Your vehicle has sustained damage
- You receive points on your driving licence
- You are convicted, charged or cautioned for an offence
- You sell your licensed vehicle
- There is a change in your medical fitness

### Lost property

Drivers should at the end of each journey inspect their vehicles to ensure that no property has been left behind by passengers. If a passenger has left anything behind in a licensed vehicle, the property must be taken to the Hester’s Way police station.

### Renew your licence on time

The council will as a matter of courtesy send reminder letters to licence holders to remind them to renew their licences on time. It is however the individual’s own responsibility to ensure renewal applications are submitted on time.

### Replacing your licensed vehicle

If you are planning to replace your licensed vehicle or license a vehicle for the first time, you must in the first instance call the licensing section to check whether the vehicle to be licensed complies with the council’s policy and fitness requirements.



## Cheltenham Half Marathon 2016

This year's half marathon will take place on Sunday 25th September.

The route will be much the same as in previous years except that it will start and finish at the racecourse rather than at Pittville Park.

As in previous years, roads will be closed and reopened on a dynamic schedule to ensure that there will be minimal disruption to other road users.

A full map and a list of times and road closures will be distributed to the taxi and private hire trade by email once it has been provided.



## Measuring Instruments Directive (MID)

*Is your meter compliant?*

On 30th April 2004, the Measuring Instruments Directive was published which also included taximeters within its scope. The Directive was first introduced in October 2006 and there is a 10 year transition period for measuring products which were already approved.

In the case of taximeters, this means that all new meters manufactured after October 2006 must comply with the Directive.

If your taximeter was manufactured after October 2006 it must be marked with the letter "M". Below is an example from the Aquila website ([http://www.aquila-electronics.co.uk/mid\\_explain.html](http://www.aquila-electronics.co.uk/mid_explain.html))



M = MID mark & 09 = year of manufacture



## Review of Hackney Carriage fares

The council is about to begin its regular review of the approved meter fares for taxis. This follows a similar review undertaken last year which indicated no significant change.

Once data has been published in relation to operating costs we will run a comparison and, if it is appropriate to recommend an increase or decrease, the trade will be consulted appropriately and comments will be welcomed.



## Safeguarding Training for HC / PH Drivers

Cheltenham Borough Council recently decided, following consultation, to introduce safeguarding training for all taxi and private hire drivers. The training will form part of the council's fitness assurance for licence holders.

The training will:

- be free for taxi and private hire licence holders;
- be scheduled to take place around the county (including Cheltenham) with both afternoon and morning sessions;
- be delivered by the Gloucestershire Safeguarding Children Board and Gloucestershire Constabulary; and
- only have to be undertaken once.

The mandatory training will generally deal with the signs of child sexual exploitation (CSE), trafficking and other safeguarding issues and how licensed drivers can identify these issues and the means of reporting them to the appropriate authorities.

It is also intended to ensure that licensed drivers are themselves equipped to guard against false and misleading safeguarding related allegations being made against them.

There will be an exemption clause for licensed drivers who have already undertaken comparable training by a recognised training provider.

## Road closures

The following road closures are due to take place over the next few months:

**Old Bath Road 25th July – 3rd Aug 2016**

*Carriageway resurfacing works.*

**Alstone Lane 27th – 28th Aug 2016**

*Overnight closure 11pm-9am at the level crossing to allow for track works by Network Rail.*

**Albert Place and Sherborne Street 5th – 7th Sept 2016**

*Essential carriageway repair works. One-way orders on Portland Square and Portland Place will be suspended during these works to allow access.*

**Village Road 7th – 9th Sept 2016**

*Essential carriageway repair works.*

**St. Luke's Place 7th – 9th Sept 2016**

*Water pipe renewal works by Severn Trent Water.*

**Trafalgar Street 13th – 23rd Sept 2016**

*Carriageway resurfacing works.*

**We request that all drivers adhere to diversions and other traffic instructions when they are in place.**

**For further information about road closures contact Gloucestershire County Council / Amey on 08000 514514**

## Useful contacts

Testing station: 01242 264184

Parking enforcement: 01452 521284

NVQ training provider: 01452 751004

DBS: 03000 200 190

Street works/road closures: 08000 514514

Licensing: 01242 775200