



**LICENSING COMMITTEE**

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To: Councillors Lowe (Chair), Pacey (Vice-Chair), Forrest (Vice-Chair), Bolton, Brookes, Gerrard, K. Harris, Howe, Murphy, Needham, Paling, Popley, Ranson, Savage and Tillotson (For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Licensing Committee to be held in Virtual Meeting - Zoom on Tuesday, 16th February 2021 at 5.00 pm for the following business.

Chief Executive

Southfields  
Loughborough

8th February 2021

**AGENDA**

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING 3 - 5  
To approve the minutes of the previous meeting.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

4. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions were submitted.

5. REVIEW OF THE SPECIAL POLICY ON CUMULATIVE IMPACT 6 - 46

A report of the Head of Regulatory Services regarding the Cumulative Impact Zone included within the Licensing Act 2003 Policy.

6. LICENSING UPDATE 47 - 56

A report of the Head of Regulatory Services providing an update to the Committee from the Licensing Team since March 2020.

7. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 57 - 208

A report of the Head of Regulatory Services reviewing the Policy due to the Taxi Standards Guidance.

**FURTHER MEETINGS**

For information, further meetings of the Committee are scheduled as follows (both at 5.00pm):

11th May 2021 (*additional meeting*).

## LICENSING COMMITTEE 11TH FEBRUARY 2020

PRESENT: The Chair (Councillor Pacey)  
The Vice Chair (Councillor Lowe)  
Councillors Capleton, C. Harris, Paling, Popley,  
Ranson, Tillotson and Ward

Head of Regulatory Services  
Licensing Manager  
Democratic Services Manager  
Democratic Services Officer (NC)

APOLOGIES: Councillor Brookes and Savage

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

9. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Committee held on 22nd October 2019 were confirmed as a correct record and signed.

10. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

11. QUESTIONS UNDER OTHER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

12. REVIEW OF THE NEW HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Considered a report of the Head of Regulatory Services to consider the new Hackney Carriage and Private Hire Licensing Policy following consultation with trade (item 5 on the agenda filed with these minutes).

Assisting with consideration of the report: The Head of Regulatory Services and the Licensing Manager.

The Licensing Manager drew the Committee's attention to the comments received during the consultation, the licensing improvement project and that certain administrative processes still required further finalisation. If the recommendation in

the report was agreed the Head of Regulatory Services would, under delegated authority, make any necessary minor amendments and alterations to the policy.

Summary, key points of discussion:

- (i) as the Safeguarding Vulnerable Passenger Training was now available online, it could be difficult to guarantee it was the applicant completing the training. The application form would be updated to include a signature of the applicant to confirm they had completed the online training and a declaration informing them of the seriousness of signing fraudulently. It was noted that validity and DBS checks were in place prior to the applicant being able to take the training.
- (ii) concerns were raised whether the process, by being too complicated and paper heavy, was discouraging new taxi license applicants. The Council had considered processes by other neighbouring local authorities and amended its process accordingly to be more efficient and in line with these councils.
- (iii) the current data collection software had limited ability to assess if the changes were making a difference to the number of new applicants.

*Councillor Capleton joined the meeting.*

- (iv) it would be beneficial to have a minimum national standard for taxi licensing. At present there was no such requirement and every council could set its own procedures.

It was noted that an additional meeting of the Committee had been scheduled for 19th May 2020 to review the cumulative impact policy which was last reviewed by the Committee at its meeting in April 2017 alongside the Statement of Licensing Policy and would require renewing in June 2020.

## **RESOLVED**

1. that the Hackney Carriage and Private Hire Licensing Policy attached in Appendix A, be approved following consultation with the trade, and be implemented from 1st April 2020;
2. that the Head of Regulatory Services be given delegated authority to make minor amendments and alterations, to the final approved policy, in respect of administration procedures and as required to comply with changes to legislation and Government guidance, to the Hackney Carriage and Private Hire Licensing Policy, in consultation with the Chair of the Licensing Committee.

## Reasons

1. To ensure that, the Council has a policy that sets out the requirements and standards that must be met and guides the Council in the way that it carries out its functions.

2. To ensure that minor and necessary amendments to the policy can be made in a timely manner.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 24th February 2020 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Licensing Committee.

## LICENSING COMMITTEE – 16TH FEBURARY 2021

### Report of the Head of Regulatory Services

#### Part A

#### ITEM 5 REVIEW OF THE SPECIAL POLICY ON CUMULATIVE IMPACT (INCLUDED WITHIN THE LICENSING ACT 2003 POLICY)

##### Purpose of Report

To seek approval for the reviewed Special Policy Cumulative Impact Zone ( CIZ ) included within the Statement of Licensing Policy (approved in 2017), attached at Appendix 1, made in accordance with the Licensing Act 2003, for consultation prior to submission to Full Council for approval.

##### Recommendations

- 1 That the proposed review of the Special Policy Cumulative Impact Zone (CIZ), included within the Statement of Licensing Policy 2017 attached at Appendix 1, made under the Licensing Act 2003, be approved for consultation.
- 2 That the continuation of the Special Policy on Cumulative Impact contained within the existing Statement of Licensing Policy be approved.
- 3 That, subject to recommendations 1 and 2 and following the consultation, the Head of Regulatory Services is given delegated authority to make minor amendments and alterations to the Cumulative Impact Zone within the Statement of Licensing Policy, in consultation with the Chair of the Licensing Committee, and to submit the final version of the Policy to Full Council.

##### Reasons

1. After publishing a Cumulative Zone, the licensing authority, must within three years consider whether it remains of the same opinion.
2. To review the Cumulative Impact Zone as required by the 'Cumulative Impact Assessments' introduced in the 2003 Act by the Policing Crime Act 2017 with effect from the 6<sup>th</sup> April 2018. After publishing a Cumulative Impact Zone (CIZ), the licensing authority must within 3 years consider whether it remains of the same opinion as set out in the assessment.
3. To ensure that minor changes can be made to the review of the Cumulative Impact Zone within the Statement of Licensing Policy, and enable submission to Full Council in an efficient manner if only minor changes are required.

## Policy Justification and Previous Decisions

The current Statement of Licensing Policy was approved in June 2017 by the Full Council.

A Special Policy on Cumulative Impact was approved and included within the original Licensing Policy, in 2005. Under the Licensing Act 2003, the Council in its role as a Licensing Authority, may consider introducing saturation policies (known under the guidance to local authorities as Cumulative Impact Policies), if it feels that the number of licensed premises is having an adverse impact on any of the Licensing Objectives (crime and disorder, noise / nuisance, public safety and harm to children).

## Implementation Timetable including Future Decisions

The draft 'Cumulative Impact Zone' within the existing Statement of Licensing Policy is being submitted to the Licensing Committee and once approved will be circulated to responsible authorities, representatives of the trade, businesses and residents for their comments.

A copy of the draft 'Cumulative Impact Zone' within the existing Statement of Licensing Policy will be made available on the Council's website.

After publishing a 'Cumulative Impact Zone' the licensing authority must within 3 years, consider whether it remains of the same opinion set out in the assessment. The guidance issued by the Government under Section 182 of the Licensing Act 2003 states that in order to decide whether it remains of this opinion it must again consult with the persons listed in Section 5(3) of the Act, the Chief Officer of Police, the Fire and Rescue Authority, Director of Public Health for the area, representatives of local premises licence holders, club premises certificate holders, personal licence holders and businesses and residents in its area.

The Licensing Section will circulate the draft Cumulative Impact Zone to:

- the Responsible Authorities (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Environmental Protection Team, Trading Standards, Public Health, and the Home Secretary)
- Business and residents, e.g. relevant residents' groups
- Local Councilors
- British Beer and Pub Association
- Pub Watch
- Solicitors
- Premises Licence Holders
- Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area)
- Premises Licence Holders of Late Night Refreshment premises in the CIZ area.
- Club Premises certificate holders

Any comments from the consultation will be considered by the Licensing Section and the Head of Regulatory Services. If only minor amendments are required as a result of the responses to the consultation, recommendation 3 seeks delegated authority for the Head of Regulatory Services to make those changes, in consultation with the Chair of the Committee, prior to submitting the final Policy to the meeting of Full Council scheduled for 26th April 2021.

If significant changes are required to the draft Cumulative Impact Zone then an additional Licensing Committee will be organised to enable the Committee to consider the consultation responses and changes to the assessment prior to its submission to Full Council.

### Report Implications

#### *Risk Management*

No specific risks have been identified with the decisions the Committee is being asked to make.

#### *Financial Implications*

There are no financial implications associated with this report, other than those of consultation with licence holders/interested parties which can be accommodated within existing budgets.

- Background Papers: Government Guidance issued under Section 182 of the Licensing Act 2003  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
- Appendices: Appendix 1 - Draft Review of Cumulative Impact Zone within existing Statement of Licensing Policy  
Appendix 2 - Current Boundary of Saturation Zone for information.  
Appendix 3 - Cumulative Impact Zone Report 2020– Submitted by Leicestershire Police
- Officers to contact: Alan Twells  
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## Part B

### 1.0 Background

- 1.1 The current Statement of Licensing Policy was last reviewed in 2017. The concept of “Cumulative impact” has been described within the 182 guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. With effect from 6 April 2018, ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 1.2 A ‘cumulative impact assessment’ (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 1.3 CIA’s relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.
- 1.4 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act.
- 1.5 The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licence’s or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarized in its statement of licensing policy
- 1.6 Charnwood Borough Councils existing Statement of Licensing Policy at Appendix 1, Section 4, page 10, approved by full Council in 2017, included a Special Policy on Cumulative Impact. Para 4.3 of the Licensing Policy reflected the 182 Guidance at that time.
- 1.7 The 182 Guidance, amended in April 2018, removed the ‘rebuttable presumption’ against grant of a premise in a Cumulative Impact Zone. The April 2018 guidance states at para 14.28, ‘ While the evidence underpinning the publication of CIA (Cumulative Impact Assessments) should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area, subject to a CIA, therefore, still needs to be made on a case by case basis and with a view to what is appropriate for the promotion of the licensing objectives.’ This shifts the burden of proof onto the applicant to show to the Licensing Authority why their premises will not add to any problems within the Cumulative Impact Zone. Importantly the publication of a CIA would not remove a licensing authority’s discretion to grant applications for new licences or applications to vary existing

licences where the authority considers this to be appropriate in the light of the individual circumstances of each case.

## 2.0 Special Policy on Cumulative Impact

The Council's Statement of Licensing Policy 2017 to present day includes a 'Special Policy on Cumulative Impact' which covers areas of Loughborough town center. Cumulative Impact is defined as the "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area." (Section 14.20 of the Government 182 Guidance)

### 2.1 The current Special Policy on Cumulative Impact states the area as below:

- bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
- Including both sides of the streets bounding the area;
- Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.

### 2.2 The Cumulative Impact Assessment (CIA) must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.

### 2.3 CIA's may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night refreshment providers which are not licensed to sell alcohol. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to TENs; however, it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.

### 2.4 A special policy should be reviewed regularly to assess whether it is needed or if any revisions are required. Prior to the review of the 'Special Policy on Cumulative Impact', the Police and other responsible authorities have been contacted to seek evidence to justify the retention of the Special Policy on Cumulative Impact and the area covered by it.

### 3.0 Review of the Special Policy on Cumulative Impact

3.1 There must be an evidential basis for the decision to introduce and maintain a cumulative impact zone. Information that licensing authorities can use to demonstrate the cumulative impacts of the licensed premises, on the promotion of the licensing objectives include:

- local crime and disorder statistics
- statistics on local anti-social behavior offences
- health related statistics such as alcohol related emergency attendances and hospital admissions
- environmental health complaints, particularly in relation to litter and noise
- complaints recorded by the local authority, which may include complaints raised by local residents or residents associations.

3.2 Leicestershire Police has provided a report entitled 'Cumulative Impact Zone Report 2020' which seeks to provide evidence to justify the retention of part of the existing cumulative impact zone. This is attached at **Appendix 2**. It was initially dated 2020 as this was when the Special Policy on the Cumulative Impact Zone was to be reconsidered. However, due to a change in legislation in 2018, it was required three years from then, i.e. 2021. The police have added additional information in respect of 2021 and the effects of the Coronavirus pandemic.

### 4.0 Supplementary Information

4.1 The opinions of Public Health and Environmental Protection have been sought as to whether the Special Policy on the Cumulative Impact Zone should be retained.

#### 4.1.2 Comments from Charnwood Borough Council Environmental Protection.

The Environmental Protection Team have confirmed that 'Environmental Protection views the Special Policy on Cumulative Impact as a useful tool in managing noise from licensed Town center premises to minimise public nuisance. For this reason we are strongly in favour of retaining the Cumulative Impact Zone and have no suggested changes'.

#### 4.1.3 Additional considerations

The current Special Policy Area includes an extension along Ashby Road to its junction with Storer Road and Nottingham Road to the entrance to the Falcon Works. The Responsible Authorities have not provided evidence to support the continuation of these areas. However, as part of the consultation process Residents Associations and other interested parties will be contacted for their comments and provision of supporting evidence if these areas are to remain included.

### 5.0 Conclusion

5.1 The Licensing Committee is asked to approve the draft Statement of Licensing Policy, for consultation, prior to formal submission to Council on 26th April 2021 and that following the consultation the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the Statement of Licensing Policy in consultation with the Chair of the

Licensing Committee. Any major objections to the draft Statement of Licensing Policy will be referred back to the Licensing Committee for consideration prior to submission to the Full Council.



## **Licensing Act 2003**

### **Statement of Licensing Policy**

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# Charnwood Borough Council

## Statement of Licensing Policy

### 1 Introduction

#### Purpose

1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

It will also:

- be used as a guide by members of the Licensing Authority in their decision making ;
- inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

This Policy is normally in place for five years but will be kept under review during that five year period.

#### Consultation

1.2 In developing this Statement the Licensing Authority has consulted with the groups set out below, and has taken account of their views:

- the police
- the fire authority
- persons representing holders of existing licences for the sale of alcohol, public entertainment, theatres, cinemas and late night refreshment
- persons representing holders of clubs registered under the Licensing Act 1964
- bodies representing businesses and residents in its area
- other groups that the Licensing Authority considered appropriate

## Licensable Activities

### 1.3 The licensable activities are:

- the sale of alcohol by retail
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- the provision of late night refreshment
- the provision of regulated entertainment,

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)
- any playing of recorded music
- a performance of dance
- and similar types of musical or dance related entertainment.

### 1.4 Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that take place between **08:00- 23:00** on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people, this includes Greco Roman or free style wrestling
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises;
  - a performance of unamplified live music
  - a performance of live amplified music in a workplace with an audience of no more than 500 people; or
  - a performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.

- Recorded music, where recorded music comprises;
  - Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
  - Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
  - Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

When considering whether an activity constitutes 'the provision of regulated Entertainment', each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.

Unauthorised Activity: It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

## **2 Fundamental Principles**

### **Background**

- 2.1 This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

### **2.2 Immigration Act 2016**

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amends the 2003 Act and introduces immigration safeguards in respect of licensing applications made in England or Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in

licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

The Home Secretary (in practice Home Office (Immigration Enforcement)) is added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

### **2.3 Entitlement to Work**

Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only.

Applicants must provide copies of Identification documents to verify their entitlement to right to work within the UK. The documents, which may be relied on in support of an application demonstrating an entitlement to work in the UK, are the same for the personal licence (see section 14) shown in Appendix 3.

### **2.4 The Licensing Objectives**

The licensing authority will carry out its functions with a view to promoting the licensing objectives. The licensing objectives, which carry equal importance, are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

### **2.5 Balance**

The licensing authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses

for an acceptable environment and quality of life.

- 2.6 This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

### **Relevancy**

- 2.7 Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 2.8 Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

## **3 Cumulative Impact**

- 3.1 The Licensing Authority recognises that there can be confusion about the difference between “need” and “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub, restaurant, etc. This is not a matter for a licensing authority in discharging the licensing functions or for this statement of licensing policy. “Need” is a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its licensing committee to consider.
- 3.2 In certain situations the number, type and density of premises selling alcohol [or providing late night refreshment](#) may be associated with serious [problems of crime and disorder](#). Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual premises the licensing authority may consider that an area has become saturated with licensed premises.
- 3.3 The Licensing Authority has received a representation from the Leicestershire Police that the circumstances described above exist in relation to parts of Loughborough’s Town Centre, and that the grant of

further premises licences or club premises certificates would undermine the crime prevention objective.

- 3.4 In response to this representation the Licensing Authority has:
- Considered evidence about the extent of the problem of crime and disorder;
  - Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre;
  - Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre;
  - Considered the outcome of that consultation; and
  - Resolved to declare the special policy described in Section 4 below.

- 3.5 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. Depending on the circumstances, there are other mechanisms available for addressing such issues for instance:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- a Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space and gives the police a power to confiscate alcohol from adults and children in designated areas;
- A closure notice of up to 48 hours, can be issued by the Council or Police without going to Court, where there is nuisance to the public or disorder near to the premises;
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

## 4 Special Policy on Cumulative Impact

4.1 The Licensing Authority will adopt a special policy on cumulative impact in relation to the area of the Town Centre:

- bounded by Sparrow Hill, Church Gate, Steeple Row, Rectory Place, Bridge Street, Broad Street, Ashby Road, Frederick Street, Browns Lane Bedford Square, Southfield Road, Barrow Street Jubilee Way and Pinfold Gate.
- Including both sides of the streets bounding the area;
- Including Ashby Road to its junction with Storer Road; and Nottingham Road, to the entrance to the Falcon Works.

4.2 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its merit. Licences that are unlikely to add to the problems of saturation would be approved.

~~4.3~~ The Special Policy does not however change the fundamental way that licensing decisions are made. It is therefore open to the Licensing Authority to grant an application where it is considered appropriate and where the applicant has demonstrated in their operating schedule that they would not be adding to the cumulative impact.

~~4.4~~

4.3 Applications in areas covered by the Special policy should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. The authority acknowledges that the impact will be different for premises with different styles and characteristics.

~~4.4.1~~ ~~The effect of the special policy will be to create a rebuttable presumption that application for new premises licences or club premises certificates, or material variations will normally be refused. However, applications will only be refused where valid representations maintaining that it is necessary to refuse the application for the promotion of the prevention of crime and disorder and referring to information which had been before the licensing authority when it developed its statement of licensing policy have been received.~~

~~4.5~~

~~4.6~~ The Special Policy does not relieve responsible authorities ( or any other person) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted. When consideration is given to whether to refuse an application because of the special policy, it will be for an applicant to lay the necessary evidence that the granting of the licence would not add to the cumulative impact already being experienced. The authority

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~~acknowledges that the impact will be different for premises with different styles and characteristics~~

~~4.74.4~~

~~4.84.5—‘ The authority will review the special policy in line with that of the Statement of Licensing Policy Once a Cumulative Impact Assessment is carried out and a ‘Special Policy on Cumulative Impact’ published, the licensing authority within three years consider whether it remains of the same opinion. In order to decide whether it remains of the same opinion, and or if it considers that it needs to be amended the licensing authority mus-willt undertake appropriate consultation before any amendment is made.~~

4.94.6

The special policy will not be used to:

- remove a licence when representations are received about problems with an existing licensed premises; or to
- justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
- adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## **5 Licensing Hours**

- 5.1 In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 5.2 It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 5.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 5.4 In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having denser residential accommodation
- 5.5 Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits

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based on whether the licensing objectives can be met.

## **6 Promotion of the Licensing Objectives**

6.1 The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:

- Granting or refusing applications for licences;
- Reviewing licences;
- Imposing conditions;
- Deciding how to integrate with other strategies of the council.

Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.

6.2 Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:

- Prevention of Crime and Disorder – Leicestershire Police, Leicester Crime Reduction Partnership and Leicestershire Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
- Public Safety – Leicestershire Police, Leicestershire Fire and Rescue, the Council's Environmental Health Officers with responsibility for Health & Safety
- Public Nuisance – the Borough Council's Environmental Health Officers with responsibility for Pollution Control
- Protection of Children from Harm – Leicester Area Child Protection Committee, Leicestershire Police and Leicestershire Trading Standards, Leicestershire Public Health.

6.3 Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will take into account the information set out below, on steps to promote the licensing objectives, when undertaking the functions identified in Paragraph 6.1 above.

## **7 The Prevention of Crime and Disorder**

### **7.1 CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. The Licensing Authority will therefore support the provision of CCTV in town centre pubs and clubs and town centre late night refreshment premises.

### **7.2 Open Containers of Alcohol**

A significant part of the town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

### **7.3 Irresponsible Drinks Promotions**

The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.

7.4 Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.

### **7.5 Dance Venues**

The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the "*Safer Clubbing Guide*" published by the Government  
[http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)

### **7.6 Other Steps to Promote the Prevention of Crime and Disorder**

There is a wide range of other steps which may be appropriate in particular circumstances including:

- Prohibiting the sale of alcohol in bottles for consumption on the

- premises, to prevent their use as weapons
- Requiring drinking vessels to be plastic or toughened glass
- Requiring the provision of retail radio's to connect premises supervisors in town centres to the police
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of staff to control admission and to control customers inside the premises.
- The adoption of an age determination policy such as Challenge 21 to prevent underage sales

## **8 Public Safety**

### **Premises Licensed for Regulated Entertainment**

- 8.1 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.
- 8.2 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This will include:
- Setting of a capacity limit for all, or separate parts, of the premises.
  - The provision of staff to control admission and to control customers inside premises and at outdoor events.

## **9 The Prevention of Public Nuisance**

- 9.1 The Licensing Authority considers that applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises should carry out a risk assessment. Advice and assistance in undertaking this task should be sought from Council Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
  - Measures to reduce noise and vibration emissions from premises
  - Measures to prevent noxious smells
  - Measures to reduce light pollution
  - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
  - Stricter controls will be supported in areas in closer proximity to

residential accommodation.

## **10 The Protection of Children from Harm**

### **General**

10.1 The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Area Child Protection Committee on each application.

10.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

10.3 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm. The following areas would give rise to particular concern in respect of children:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there has been an association with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).

10.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

10.5 The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;

- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

### **Children and Cinemas**

10.6 Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

### **Children and Public Entertainment**

10.7 The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The licensee should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

### **Proof of Age Cards**

10.8 The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

10.9 The Licensing Authority supports the '**Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.**'

It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

## **11 Integrating strategies**

11.1 The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

### **Crime Reduction Partnership**

11.2 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Charnwood a safe and attractive borough in which to live, work, study and socialise.

11.3 In making decisions, the Licensing Authority will consider the Charnwood Community Safety Partnership Strategy, especially relating to;

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

### **Planning**

11.4 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency. Licensing applications will not be a rerun of any planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal, or decisions made under delegated authority to officers.

11.5 There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution.

### **Cultural Strategy**

11.6 'Leisure and cultural opportunities for all' is Charnwood's Cultural Strategy setting out the common vision and shared goals for all those involved in the cultural life of the borough. Charnwood Borough Council is committed to its implementation working with the Cultural Strategy Partnership.

11.7 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

11.8 The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of Leicester's Cultural Strategy is "to invest in the development of cultural activity which contributes to the economic, social and personal well-

being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity". Borough Council performance targets to increase cultural participation have underpinned this.

11.9 The Borough Council will also seek premises licences for selected public spaces in the community in its own name. This could include, for example, green spaces, parks, and town centre squares etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.

11.10 This licensing policy will operate in the spirit of the Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

11.11 In order to maintain this balance the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

### **Building Control**

11.12 The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

11.13 Where a licence is applied for, or exists, and any Building Regulated

work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

11.14 Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Work Place Regulations and enforcement of risk assessments.

### **Promotion of Equality**

11.15 In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.

11.16 The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

11.17 The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

11.18 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this

proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

### **Disabled Access**

11.19 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

### **Transport**

11.20 Transport Strategy is set out in the Local Transport Plan (LTP).

11.21 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.

11.22 A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the Council's Transport Strategy will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.

11.23 Taxis provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

## **12 Duplication**

12.1 The authority will avoid duplication with other regulatory regimes (eg the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.

12.2 Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.

### **13 Standardised Conditions**

13.1 The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.

13.2 However, to aid administration attached to this statement, but not forming part of it, at Appendix 1, are pools of conditions from which the authority may draw appropriate and proportionate conditions to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

13.3 A number of conditions are mandatory and are required to be applied to licences.

#### **Mandatory Conditions.**

Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

The Mandatory Conditions are attached to this Policy at Appendix 2. These need to be adhered to and complied with by the Premises Licence Holder.

For premises with ON sales the Mandatory Conditions will include the following requirements;

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-  
Permitted price of alcohol  
Age verification Policy  
Irresponsible promotions

No drinking games (encouraging people to drink too much or within specific time limits).  
Free potable water  
Measures of alcoholic drink  
Exhibition of films  
Door Supervision

For premises with OFF sales the Mandatory Conditions will include the following requirements;

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

Mandatory Conditions also refer to:-  
Permitted price of alcohol  
Age verification Policy

## **14 Personal Licences**

14.1 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.

14.2 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

14.3 In order to carry out this duty, from April 6 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the UK and to undertake work in a licensable activity.

14.4 In order to discharge this duty, from 6<sup>th</sup> April 2017, licensing authorities must be satisfied that an applicant has the right to work in the UK and require applicants to submit copies of one of the documents listed in Appendix 3.

14.5 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.

The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.

14.6 Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.

14.7 When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.

14.8 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

## **15 Temporary Event Notices (TENs)**

15.1 Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that any of the four licensing objectives would be undermined.

15.2 “Late” TENS are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. Late TENS can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENS can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than five days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

15.3 The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.

15.4 The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.

## **16 Enforcement**

16.1 The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives referred to in Section 1.

16.2 The Licensing Authority will develop and review enforcement protocols in agreement with the police.

16.3 Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.

16.4 Enforcement activities will include operations designed to:

- Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
- Protect public safety;
- Prevent nuisance;
- Prevent crime and disorder;

- Protect children from harm;
- Identify unlicensed activities;
- Respond to complaints and representations from relevant individuals and responsible authorities;
- Prevent the sale of alcohol to minors
- Prevent the sale of alcohol to people who are drunk
- Identify the keeping of smuggled goods
- Prevent drug misuse

## **17 Live Music, Dancing, Theatre, Circuses and Street Arts**

17.1 The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.

17.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

## **18 Wholesale of alcohol**

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## **19 Delegation of Functions**

- 19.1 The following matters will be determined by either the Licensing Committee or one of its sub-committees:
- Application for a personal licence where there are relevant unspent convictions;
  - The review of a premises licence or club premises certificate;
  - Decision to object when the local authority is the consultee and not the relevant authority considering the application;
  - Determination of a police objection to a temporary event notice.

- 19.2 The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:
- Application for a personal licence;
  - Application for a premises licence or club premises certificate;
  - Application for a provisional statement;
  - Application for variation to a premises licence or club premises certificate;
  - Application to vary a designated premises supervisor
  - Application for transfer of a premises licence
  - Application for interim authority
  - Determination of a temporary event notice.

19.3 The Licensing Manager will determine all other matters.

19.4 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. There is clear guidance as to what constitutes a "minor variation" contained on Charnwood Borough Councils website.

19.5 Councillors are now considered as "interested parties" and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.

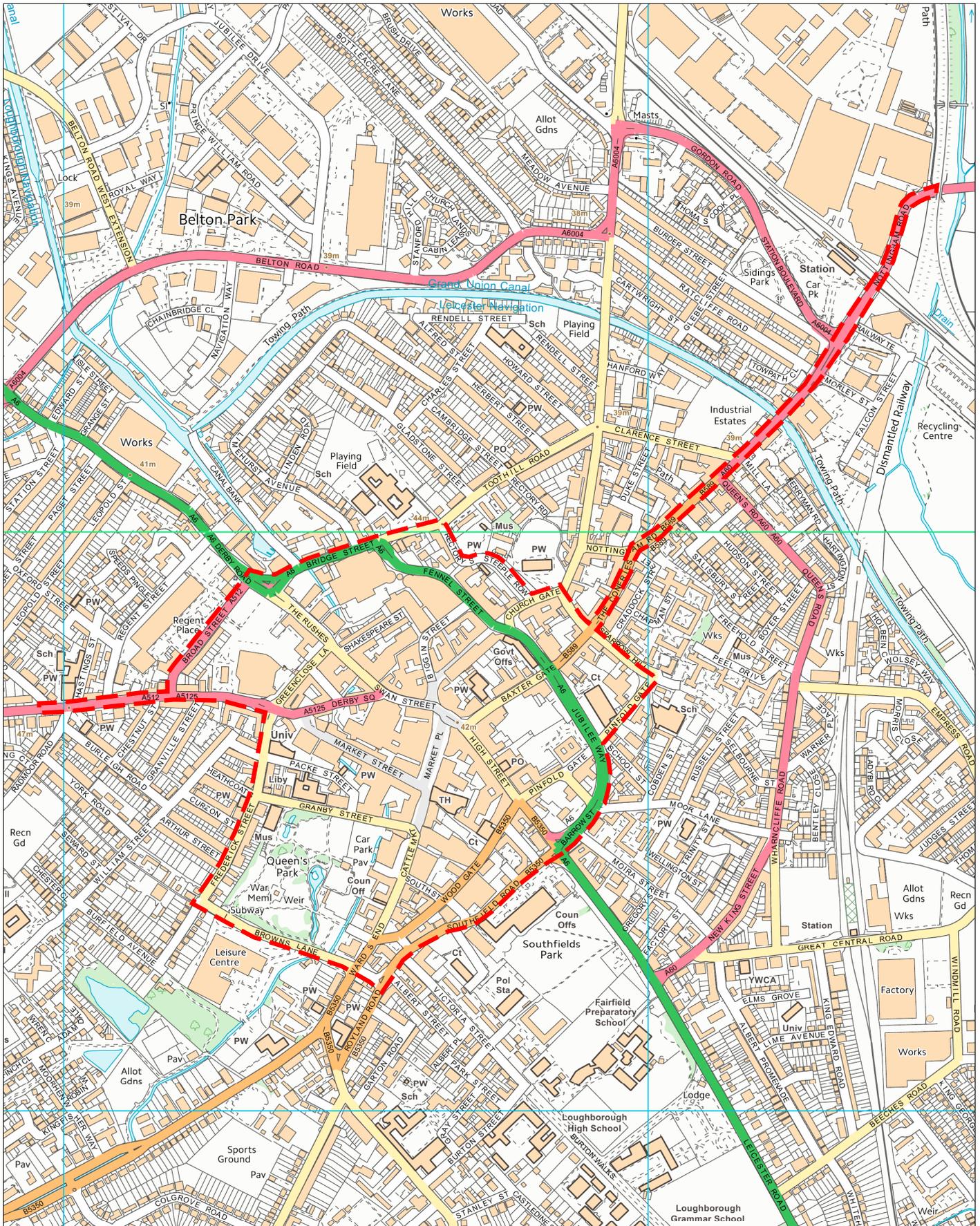
## **20 Period of Validity & Review**

20.1 This statement of licensing policy will come into force on June 2017 and be valid for five years.

20.2 The policy will be kept under review during the period of validity and if necessary amendments made.

20.3 Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

|



### Loughborough Saturation Zone

Charnwood Borough Council  
 Council Offices  
 Southfield Road  
 Loughborough  
 Leicestershire  
 LE11 2TX

[www.charnwood.gov.uk](http://www.charnwood.gov.uk)



Scale: 1:9000

Date: 08-06-2017 Time: 09:26:51

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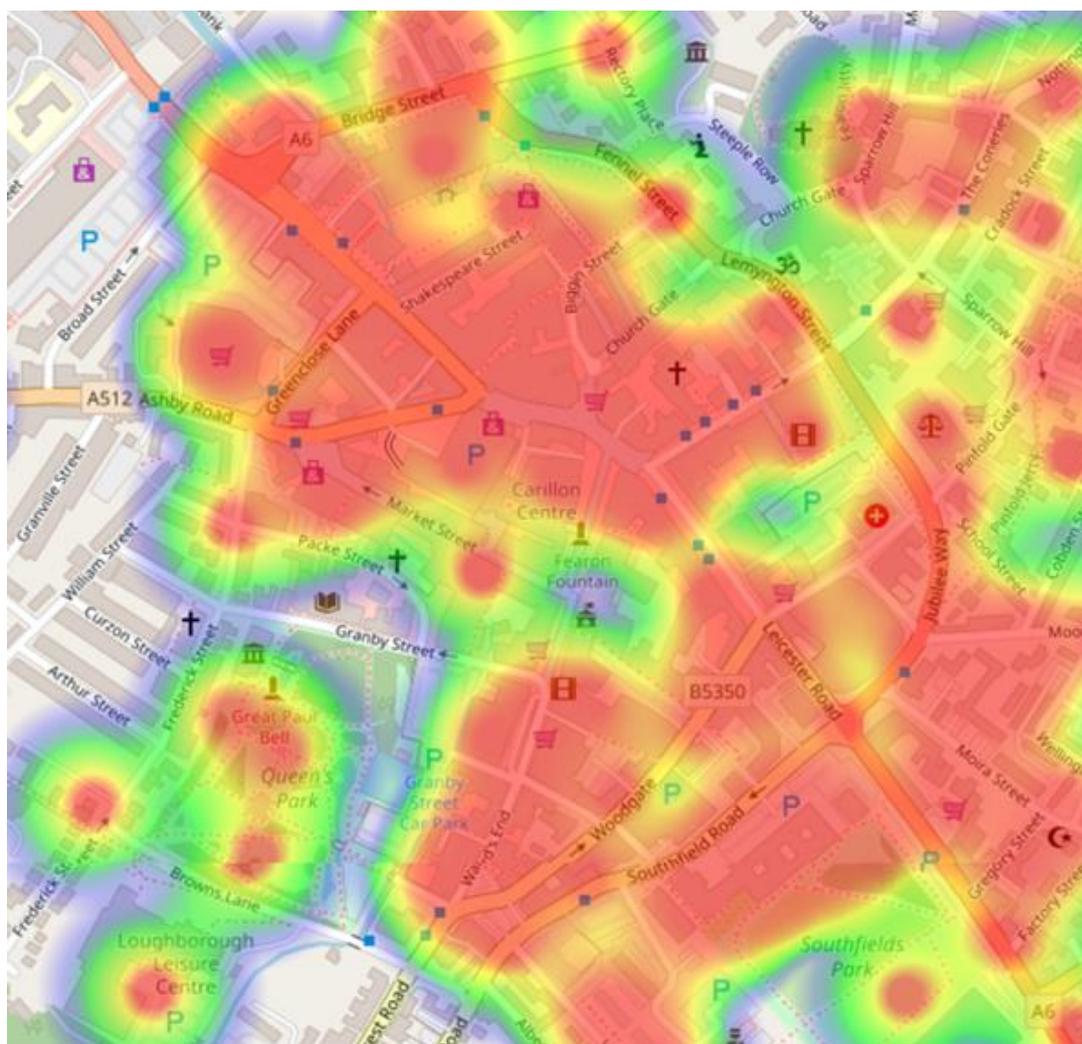
# Cumulative Impact Zone Report 2020

PC 2010 Nik Peacock

The purpose of this report is to present crime data regarding violent offences in Loughborough between March 19<sup>th</sup> 2019 and 20<sup>th</sup> March 2020, for the specific purpose of reviewing the current Cumulative Impact Zone. I used these dates as Covid restrictions have caused many licenced premises to close/reduce hours. I have also produced data containing information between 11<sup>th</sup> January 2020 and 12 January 2021, see appendix A.

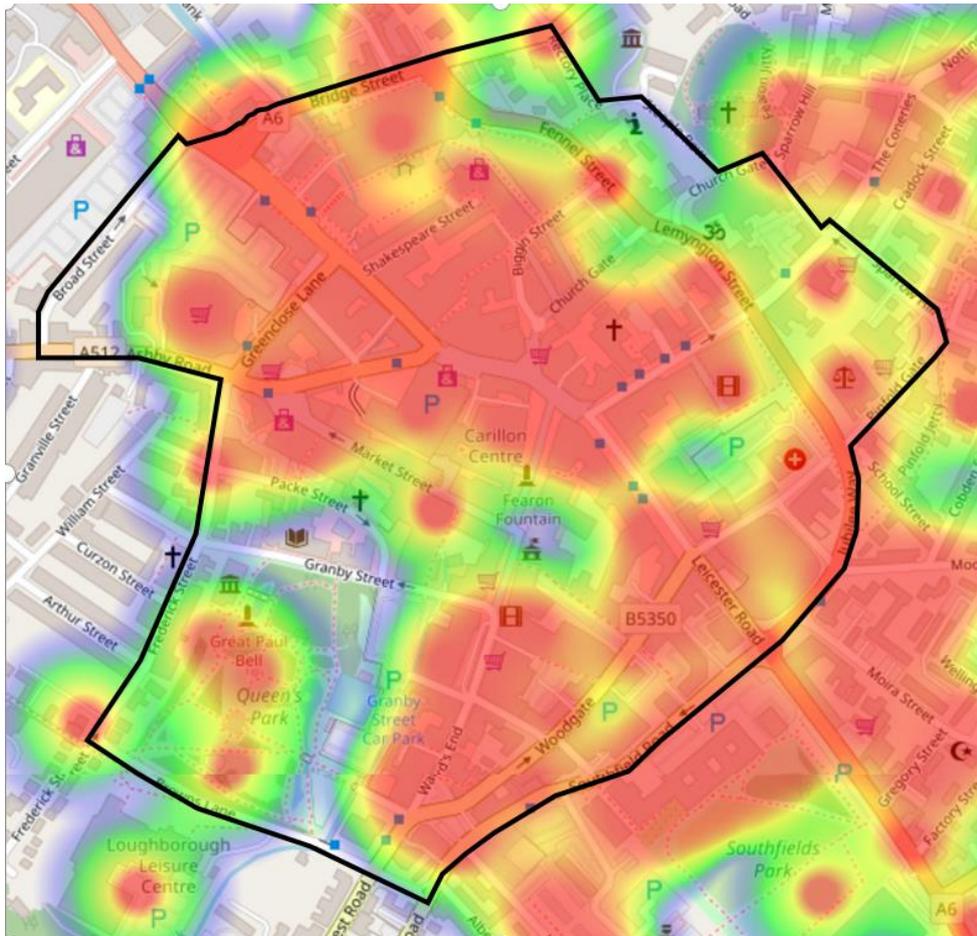
I have considered the evidence that was produced by Leicestershire Police for the application in 2017 and have sought to provide a similar standard of evidence.

Firstly, I used a police database called G-Maps to provide a heat map of violent crime in Loughborough. The search criteria were violent crime, drunk and disorderly and public order offences in between March 19<sup>th</sup> 2019 and 20<sup>th</sup> March 2020. I overlapped the heat map from each search result to produce the following:



Clearly, there is a concentration of violent crime around Loughborough town centre (police beat number NL62) and certain housing areas to the east (mainly sitting in police beat number NL65. If we disregard the housing areas (which are largely deprived neighbourhoods) and focus on where we know there is an increased number of licensed premises, we can see that the hot spot area is very similar to the existing CIZ area.

With consideration for this information, I propose that the CIZ area is as follows:



Having identified an area to work with, I then reviewed the raw data: I used Niche – which is the police crime and intelligence recording system – to ascertain how many offences of assault (ABH and GBH), public order or drunk and disorderly have taken place within Loughborough, between 19<sup>th</sup> March 2019 and 20<sup>th</sup> March 2020.

I searched for all offences within Loughborough (LE11 postcode) first, and then those that were committed within Beat NL62.

I went through every single recorded offence manually to ascertain how many had occurred within the proposed CIZ and how many had occurred during night time hours, which for the purpose of this report are 2200hrs to 0700hrs.

	Public Order Offences (S3, S4, S4a, S5)	Assault Occasioning Actual Bodily Harm	Assault Occasioning Grievous Bodily Harm	Total
Number of offences within Loughborough	529	458	42	1029
Number of offences within Beat NL62	244	241	26	511
Number of offences within proposed CIZ	151	142	17	310
Number of offences within proposed CIZ and night time hours	54	95	14	163

This data tells us three things;

**Of all violent offences in Loughborough during this time period (500), 32% (159) of them happened within this proposed CIZ and 22% (109) happened within the proposed CIZ and within night time hours.**

**Of all violence offences in Beat NL62 during this time period (267), 60% (159) of them happened within this proposed CIZ and 41% (109) happened within the proposed CIZ and within night time hours.**

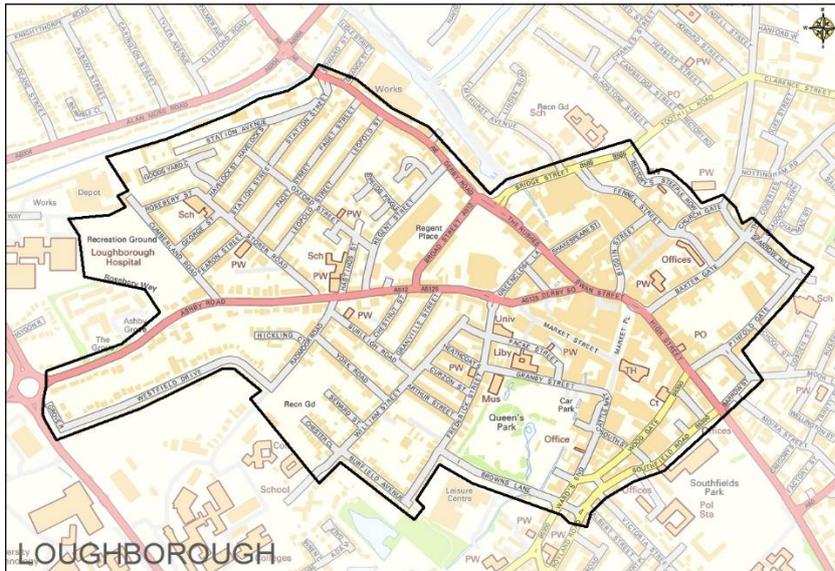
**Of all Public order and violent offences in Loughborough during this time period (1029), 30% (310) of them happened within this proposed CIZ and 16% (163) happened within the proposed CIZ and within night time hours.**

It is clear from both data sources that there is a concentration in violent crime within the proposed CIZ area, with a significant amount of time occurring during night time hours.

This correlates with the number of licenced premises within the area. According to InnKeeper (the police database for licenced premises within Leicestershire), there are 307 live premises licences in the whole of Loughborough. Around 44% (137) of these licenced premises are situated within the proposed CIZ, which is a relatively small geographical area.

Clearly, the data shows that not all violent crime occurs during the night time economy. Daytime incidents are more frequent and there is evidence of ongoing alcohol related crime and disorder. This is partially attributable purchases from 'on sales' licenced premises. However this is more often attributable to specific troubled individuals buying alcohol largely from 'off licence' shops and drinking it nearby, generally out of sight of officers/cctv, before causing issues.

There is currently a Designated Public Places Order (DPPO) in place for Loughborough town centre. The area of that order is shown in the map below. The entire area of the current CIZ and the proposed CIZ is within the DPPO area.



The DPPO is commonly referred to as an alcohol free zone, though this is inaccurate. What the Order does is give police a power to require a person to stop drinking alcohol in public places within the above area. There is no offence of drinking within this area unless a police officer has made a requirement on that person to cease and they then fail to comply.

This power is not used simply because someone is drinking alcohol within the area; there is generally a common sense approach and the perceived risk of anti-social behaviour or crime occurring in connection with the consumption of alcohol is a consideration.

There is no requirement for us to record the number of times we use this power however we have tried to do so using a system that we have since found to be unreliable.

Anecdotally; in most cases, people that are drinking alcohol in the street tend to dispose of their drinks upon seeing police. This has the desired effect of removing the alcohol, but is not recorded as a use of the DPPO power.

### **Summary**

There is clear evidence of a disproportionate amount of crime and disorder occurring within what is a relatively small area. Not all of the incidents can be attributed to licenced premises, however it is my opinion that the concentration of so many such businesses within the area is a contributing factor and is evidence of the cumulative impact. I believe therefore that there is a need to maintain a policy and for the area.

## Annex A

I have as above collated the data for the previous 12 months ending 12<sup>th</sup> January 2021, for roughly 9 months of this period Covid-19 restrictions have been in place on pubs and clubs, shops/off licences have remained open. The pubs and clubs have been closed for a lot of this time, when they have been open they have been shutting by 2200.

This has created a unique set of figures that show the “ambient” crime trends within the current CIZ area *without the Night Time Economy being fully available*.

This is listed below.

	Public Order Offences (S3, S4, S4a, S5)	Assault Occasioning Actual Bodily Harm	Assault Occasioning Grievous Bodily Harm	Total
Number of offences within Loughborough	868	866	50	1784
Number of offences within Beat NL62	251	241	16	508
Number of offences within proposed CIZ	107	96	7	210
Number of offences within proposed CIZ and night time hours	20	50	6	76

This data tells us three things;

**Of all violent offences in Loughborough during this covid restricted period, 11% (103 offences) happened within this proposed CIZ and 6% (56 offences) happened within the proposed CIZ and within night time hours compared. In the previous period, when everything was open as normal pre-covid, these numbers were a lot higher; 32% (159 offences) and 22% (109 offences) respectively.**

**Of all violence offences in Beat NL62 during this time period, 40% (103) of them happened within this proposed CIZ and 22% (56) happened within the proposed CIZ and within night time hours. In the previous period, when everything was open as normal pre-covid, these numbers were a lot higher; 60% (159 offences) 41% (109 offences) respectively.**

**Of all Public order and violent offences in Loughborough during this time period, 12% (210) of them happened within this proposed CIZ and 4% (76) happened within the proposed CIZ and within night time hours. In the previous period, when everything was open as normal pre-covid, these numbers were a lot higher; 30% (310 offences) and 16% (163 offences) respectively.**

It is clear from both data sources that there is a concentration in violent crime within the proposed CIZ area, with a significant amount of offences occurring during night time hours (2300hrs- 0700hrs) on the Pre Covid-19 figures, the reductions in offences when Covid-19 restrictions came into force is

marked. The covid restrictions have demonstrated impact of late night opening of pubs and clubs but the restrictions are likely to be removed through 2021.

The CIZ limits the number of licenced premises in the area and allows greater scrutiny of their applications. It is clear from the above figures what impact the opening of pubs and clubs has on violence within the CIZ leading to the conclusion that the robust approach that the CIZ allows should continue.

## LICENSING COMMITTEE – 16TH FEBRUARY 2021

### Report of the Head of Regulatory Services

#### Part A

#### ITEM 6 LICENSING UPDATE

##### Purpose of Report

To provide Members with an update, for the Licensing Team during the Coronavirus pandemic, since March 2020.

##### Recommendation

That Committee Members note the content of this report.

##### Reason

To provide the Committee, with an update in regard to the Licensing Team's activities since March 2020 and the first lockdown.

##### Policy Justification and Previous Decisions

The Licensing Committee has delegated non-executive responsibility under the Council's licensing provisions which are set out both in legislation and in the Council's Constitution.

##### Implementation Timetable including Future Decisions

There is no implementation timetable for this report.

##### Report Implications

##### *Financial Implications*

None.

##### *Risk Management*

There are no specific risks associated with this report.

*Background Papers:* None

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## **Part B**

### Background

#### 1.0 Licensing Team

- 1.1 The Licensing Team consist of 4 full time employees and 3 part time employees (the position of part time Licensing Enforcement Officer has been vacant since September 2020)
- 1.2 Licensing work closely with the Council's Customer Service Centre and Contact Centre to deliver the licensing Service.
- 1.3 The current COVID-19 pandemic and necessary social restrictions presents a fast changing legislative landscape including that of the position of drivers carrying passengers, vehicle MOTS and licensing in general.
- 1.4 In light of government advice about COVID-19 (Coronavirus) in March 2020, Licensing made changes to the Licensing Service. These changes were made to help minimise the risk and spread of the virus.
- 1.5 Licensing web pages were removed or linked through to a licensing coronavirus page which advised all drivers of the changes to their service. A newsletter was prepared and sent out.

#### 2.0 Licensing Service changes Implemented in March 2020.

##### 2.1 Charnwood Hackney Carriage and Private Hire Drivers

###### 2.1.1 New Drivers

Applications were stopped in March 2020 for new drivers. This was due to applicants being unable to complete a knowledge test, obtain a DBS countersignature (as the Council Offices were shut) and applicants were unable to obtain a Group 2 Standards Medical due to GP's being unavailable for all but essential work. This is continuing to be reviewed.

###### 2.1.2 Existing Drivers

The licensing section wished to keep current licensed drivers working. Although they faced the same issues as new applicants, in respect of obtaining medicals, and completing processes such as the DBS countersignature, their medical and criminal history was known. Existing drivers were given the opportunity to renew by completing a 6 month 'intention to renew' initially introduced in first lockdown, which asked the driver to declare medical fitness and any new convictions. Drivers are currently still struggling to obtain Group 2 Medicals so 'intentions to renew' have been extended for a further 2 months.

### 2.1.3 Removing Barriers to Driver applications

The licensing section considered how barriers to obtaining licences, currently and potentially in the future could be removed, and looked at several areas in DD109 ( signed 23.12.2020) attached at **Appendix 1**.

### 2.1.4 Medicals

To reduce the barrier that excessive cost may create or a GP surgeries refusal to do a medical, the Hackney Carriage and Private Hire Licensing Policy, has been amended to allow an existing driver/applicant to use their own GP for a Group 2 Standard medical or to approach any medical practice they choose as long the GP they see, has sight of a summary of their medical records. They must obtain their medical summary from the surgery they are registered with before approaching another GP and that GP must view that medical summary and complete the Councils medical form. The Councils medical form will be amended to ask a GP completing the form to sign they have seen the drivers medical summary.

It is proposed that the flexibility with medicals would be reviewed within 12 months of its introduction, as it is an unknown whether GP surgeries will provide the medical summaries at this time.

### 2.1.5 DVLA Mandates

Prior to Coronavirus, renewing drivers and applicants visited the Council's Customer Service Centre and completed a DVLA mandate form with their DVLA Licence card checked at the same time, as submitting their completed application.

During lockdown applicants and renewing drivers have been unable to provide a completed DVLA mandate to a Customer Service Advisor for their DVLA licence to be verified.

Gov.uk offers the facility online to be able to check someone else's DVLA Licence., <https://www.gov.uk/check-driving-information>

To enable the 'intention to licence' to be approved and move the process online, the licensing section contacted the applicant by email and asked them to apply online for a DVLA code. This code was then passed to the Licensing Section. This enables Licensing to check their DVLA licence, via the Gov.uk website, that they have no endorsement points on their licence or anything that may affect their ability to hold a Charnwood Borough Combined Drivers licence.

This can be done by the applicant clicking on the following link:  
<https://www.gov.uk/view-driving-licence>

The need for a DVLA Mandate and a payment of £15.00 (£5.00 per year introduced in the 2020 reviewed Policy) for their DVLA licence to be annually

checked has been removed from the Licensing policy/process and that the applicant be asked to provide a summary code on their first application or renewal and then annually, on the anniversary of their 3 year licence renewal. This allows the DVLA licence and any endorsements to be checked, saves the Driver the cost of the Mandate and allows drivers DVLA licences to continue to be checked during the pandemic. This allows the 'intention to renew' to be authorised.

Due to lockdown and the Council Offices being closed Licensing have been unable to obtain a complete DBS (Disclosure and Barring Service) Enhanced application form, countersign the form and check verification of original documents. This continues to delay applications.

Consideration is being given to a Third Party option to manage and complete the DBS process, Right to Licence, a DVLA mandate and possibly introduce an electronic Knowledge Test.

## 2.2 Charnwood Hackney Carriage and Private Hire Vehicles

Prior to the Pandemic, on renewal of a vehicle licence, an appointment would be made for the licensed CBC driver to visit the Council Offices. A Customer Service (CSC) Advisor would see the licensed vehicle owners, whose vehicle had already been tested and passed by an authorised garage, to check all their documents. Licensing would renew the paper vehicle licence and make new livery/plates for the vehicle. On taking the new paper licence, vehicle livery and plates down to the driver, licensing would recheck the documents prior to issuing the plates. The Council Offices closed with the introduction of the first lockdown in March 2020 and Licensing had to review the process of vehicle licence and plates collection.

The vehicle licensing process was moved online during the initial lockdown as the two testing garages remained open (the third closed in September 2019). Since March 2020 the vehicle renewal application has been posted out and drivers asked to complete their application form and provide both that and all their supporting documents via email (legible photos or scanned documents were accepted) to the licensing generic email address.

The garages send the Certificate of Compliance direct to the licensing email address on a vehicle passing or failing at the garage so that licensing can ensure any failed vehicles are removed from the road quickly. A passed Certificate of Compliance lets us start the licensing process for the plate renewal prior to the proprietor/driver contacting us.

Licensing have created additional back office administrative stages to the renewal process by creating spreadsheets, which enables all licensing staff to be fully aware of each stage whilst working at home. The renewal process is completed by licensing staff at home, to the point that the plate(s) and livery are to be printed. Licensing staff then access the Council building to print the licence, livery and plates.

Plates are issued to drivers, sat in their cars within the Council car park by licensing staff adhering Covid 19 secure protocols.

### 3.0 Licensing Act and General Applications

#### 3.1 Licensing Act 2003 Applications.

Licensing Assistants and the Licensing Officer, prior to the Coronavirus Pandemic regularly saw Licensing Act customers, wishing to submit premises or variation applications within the Customer Service Centre. Since the Pandemic all Licensing Act applicants where possible have been advised to submit applications via GOV.uk.

#### 3.2 General Licensing Act applications

All other licence applications, where possible, have been sent through via email to the [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk) email address.

### 4.0 Business and Planning Act 2020

In July 2020 the Business and Planning Act 2020 introduced a new temporary legal framework to district Councils for issuing pavement licence's which enabled food and drink premises to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink. The framework superseded the existing framework for pavement licensing set out in the Highways Act 1980 (issued by Leicestershire County Council Highways for Loughborough Businesses).

Under the new act Councils were required to process application for pavements licences within 2 weeks. Licences must be a minimum of 3 months but could run to the end date of 30<sup>th</sup> September 2021. This was a streamlined process to assist premises to work within the Covid restrictions and remain Covid secure. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

Charnwood Borough Councils licensing section put into place an application process, including consultation with Leicestershire Highways, the Police and other agencies. A total of 12 applications were received, 7 Pavement licences were issued, all expiring on the 30.09.2021. 4 applications were refused and 1 withdrawn by the applicant.

## 5.0 Hearings conducted under the Licensing Act 2003

5.1 In the period from March 2020 to present day 2 Licensing Sub Committees have been held;

Date	Applicant	Type of Application	Decision
17 <sup>th</sup> June 2020	Mr Andrew Reed	Grant of Premises Licence – Hall Croft Tap	Granted
3 <sup>rd</sup> August 2020	Richard Langham and John Smith	Variation of Licence – Quorn Grange Hotel	Variation granted with conditions
18 <sup>th</sup> August 2020	Bethany Sole, Marc Grant & Stuart Sole	Grant of Premises Licence – Salon 45	Granted

## 5.2 Hearings conducted for Hackney Carriage/Private Hire Licensing

One hearing has been held in respect of a Hackney Carriage driver.

Date	Applicant	Type of Application	Decision
21 <sup>th</sup> December 2020	Hackney Carriage Driver	Review of drivers badge	Revoked

## 6.0 Appeals & Prosecutions

An appeal was heard by Loughborough Magistrates on the 22<sup>nd</sup> September 2020 in respect of a personal licence applicant whose application for a personal licence had been refused by the Licensing Sub Committee on the 11<sup>th</sup> December 2019 due to an unspent relevant offence. The Court remitted the appeal back to be reheard by the Councils Licensing Sub-Committee with additional mitigation provided to the Court. On rehearing the case the Licensing Sub Committee granted the personal licence application.

## 7.0 Enforcement Actions/Inspections April 2020 to present day

Due to the coronavirus pandemic the routine inspection programmes organised throughout the year for licensed premises, gambling premises and scrap metal dealers have not taken place.

However, reactive work and day to day work has kept the Licensing Enforcement Officers busy. (Antony Bunker, Part time Licensing Enforcement Officer left the authority on the 29<sup>th</sup> September 2020).

## 7.1 Licensed Premises Inspections

The Licensing Enforcement Officers visited 29 licensed premises, during the period from April 2020 to now. A number of licensing visits were carried out

along partnership agencies, checking that the premises were Covid Secure. At these visits a full licensing inspection was carried out to ensure that there were no premises licence issues. 39 visits were carried out to check the blue and white notices required to be displayed at a premise as part of the application process. They gave advice to 33 premises over the telephone and sent out 17 advice letters. They dealt with 6 complaints and fed back to 4 of the complainants as to the outcome.

## 7.2 Taxi Licensing

Other actions taken with drivers, vehicles and operators included 56 vehicle suspensions where Officers were not satisfied with the fitness of a hackney carriage or private hire vehicle licensed by Charnwood Borough Council due to accident damage etc. or other reason such as expired insurance etc. 20 visits were carried out to drivers and 46 to vehicles to deliver or collect plates after the first lockdown.

9 complaints were received in respect of drivers or vehicles. 4 warning letters were issued to drivers with a further 9 letters sent issuing Council Penalty Points to Drivers.

Two drivers were revoked by the Licensing Manager in liaison with the Head of Regulatory Services. All details of those drivers revoked have been added to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) and passed onto to Leicestershire Police and the other Leicestershire Licensing Authorities.

## 7.3 Gambling Premises

1 visit has taken place in respect of a gambling licensed premise.

## 7.4 General Licensing

Telephone advice has been given to one Scrap Metal Dealer Site applicant who was unsure if he required a licence or not.

## 8.0 Future Legislation or Process Changes

Future changes are expected in respect of legislation.

## 8.1 Taxis

### **Statutory Taxi and Private hire Vehicle Standards**

In July 2020, the Department of Transport (Dft) introduced the Statutory Taxi and Private hire Vehicle Standards (guidance), a report introducing these prior to consultation with the Taxi Trade is to be discussed at tonight's meeting.

### **New Tax check on Hackney and Private Hire Drivers (& other licence renewals) – April 2022**

The 2020 Budget announced that the government will legislate in the Finance Bill 2020-21 to make the renewal of licences to drive taxis, drive and operate private hire vehicles (PHVs) (for example minicabs) and deal in scrap metal conditional on applicants completing checks that confirm they are appropriately registered for tax.

Individuals, partnerships (including limited liability partnerships (LLPs)) and companies applying for licences in England and Wales to either drive taxis or private hire vehicles (PHVs), or both, operate a PHV business or deal in scrap metal.

The measure also affects licensing bodies in England and Wales that administer those licence applications.

Conditionality will introduce a check on tax registration (tax check) for renewed applications in England and Wales for licences to:

- drive taxis and PHVs (for example, minicabs)
- operate a PHV business
- carry on the business of a scrap metal dealer on a site
- carry on business as a mobile collector of scrap metal

An applicant who wishes to renew a licence will need to carry out a tax check. The licensing body (typically a local authority) will have to obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewed licence application.

This measure will have an effect on applications made from 4 April 2022.

Conditionality aims to address part of the hidden economy by helping applicants for certain public sector licences better understand their tax obligations and by making access to the licences they need to trade conditional on completing a tax check. It is an innovative, cost effective and simple way to tackle this part of the tax gap and help level the playing field, making it more difficult for people to enter or stay in the hidden economy.

Licensing bodies will be required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application. Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.

An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check will be completed when HMRC is satisfied the applicant has provided all information requested.

Where a HMRC failure prevents the licensing body from meeting its requirement to obtain confirmation of the completion of a tax check, that requirement will cease to apply. HMRC will also have discretion to waive the requirement where an HMRC failure prevented the applicant completing their tax check.

In cases where the licensing body has been unable to obtain confirmation of completion of the tax check for 28 days other than because of an HMRC failure (for example, where an applicant refuses to complete a tax check and therefore HMRC cannot provide confirmation that they have completed one) amendments to section 17 of the Transport Act 1985 and paragraph 1 of Schedule 1 to the Scrap Metal Dealers Act 2013 will cause the extended licence to expire.

## 8.2 Future Changes to Charnwood Driver Process

In April 2020, Charnwood introduced in their reviewed 2020 Hackney Carriage and Private Hire Licensing Policy the need for all grant and renewal applicants to register with the Disclosure and Barring Service (DBS) Update Service. This would effectively mean the number of new DBS Applications requiring countersignature by Charnwood would reduce to only that of new drivers over a period as all existing drivers on renewal would register with the Update Service. It is a condition of being a Registered Body with the DBS that Charnwood average 100 applications per annum.

This is unlikely to be met due to the Update Service registration.

Due to the Pandemic this year and the difficulties experienced on being able to see the renewing driver's to check and countersign paperwork and the definite possibility averaging less than 100 applications per annum submitted under Charnwood's registration number Licensing have been considering other options.

One such option is working with a third party, to complete DBS checks on our behalf, such as other Councils use. Initial talks are being held with a company called Taxi Plus (previously known as Personnel Checks).

## LICENSING COMMITTEE – 16TH FEBRUARY 2021

### Report of the Head of Regulatory Services

#### Part A

#### ITEM 7 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY DUE TO TAXI STANDARDS GUIDANCE

##### Purpose of Report

This report seeks to review and update the Council's Hackney Carriage and Private Hire Licensing Policy ('the Policy') considering recent taxi standards guidance (attached at Appendix A) issued by the Department for Transport (DfT).

The Committee is asked to approve the policy changes for consultation prior to final approval by the Licensing Committee in May 2021.

##### Recommendations

1. That the amended draft Hackney Carriage and Private Hire Licensing Policy at Appendix B is approved prior to consultation with the public and trade.
2. That the Head of Regulatory Services be given delegated authority to make minor amendments and alterations to the draft Policy and procedures during the consultation period.

##### Reasons

1. In July 2020, The Department for Transport (DfT) released 'Statutory Taxi and Private Hire Vehicle Standards' ('the Standards') attached at Appendix A. The DfT expects these recommendations to be given consideration, implemented and adopted within our policy, unless there is a compelling local reason not to. The Council is not expected to adhere fully to it, but to have given consideration to the document and if not able to implement explain why.
2. To ensure that future minor amendments to the Policy, can be made in a timely manner by the Head of Regulatory Services, prior to the final draft being reported back to the Licensing Committee.

##### Policy Justification and Previous Decisions

This Policy is concerned with the application of powers exercised by Charnwood Borough Council, in respect of hackney carriages and private hire vehicles, drivers and operators conferred principally by the Local Government Miscellaneous Provisions) Act 1976, as amended and other relevant legislation.

## Implementation Timetable including Future Decisions

A consultation period will begin in March 2021 with the Hackney Carriage/Private Hire Trade and the public seeking their comments. Any significant changes and representations would be brought back to the next meeting of the Licensing Committee in May 2021 for consideration and approval of the final Policy.

## Report Implications

The following implications have been identified for this report.

### *Risk Management*

The risks associated with the decision the Licensing Committee is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Like-likelihood	Impact	Overall Risk	Risk Management Actions Planned
Failure to consider and consult and implement the inclusion of the 'Statutory Taxi and Private Hire Vehicle Standards' guidance document within the existing Hackney Carriage and Private Hire Licensing Policy, would result in the Council not potentially having the minimum core standards recommended	2	3	6	If significant changes and representations are received in respect of the new policy the Licensing Committee will be able to consider these prior to final approval.

### *Financial Implications*

None

### *Equality and Diversity*

A review of the Equality Impact Assessment has been undertaken and no significant issues have been found that need incorporating into the existing assessment.

Background Papers: None

Appendices: Appendix A – DfT Statutory Taxi & Private Hire Vehicle Standards

Appendix B – Hackney Carriage and Private Hire Licensing Policy

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## Part B

### 1.0 Background

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (or outside “normal”; hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services. It is important that the authority’s hackney carriage and private hire licensing powers are used to ensure that vehicles licensed by the Borough are safe, comfortable, properly insured and available where and when required.

The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the borough of Charnwood.

The Policing and Crime Act 2017, enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services

In July 2020, the Department for Transport (DfT) introduced a new guidance document, the ‘Statutory Taxi and Private Hire Vehicle Standards’ (‘The Standards’) which replaced relevant sections of the previous Best Practice issued by the department in 2010 .

Whilst the focus of the ‘Standards’ is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained within it. There is a consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector and the recommendations attached in the DfT Standards ( attached at Appendix A) are the result of detailed discussion with the trade, regulators and safety campaign groups.

The Hackney Carriage and Private Hire Vehicle Licensing Policy was first introduced in 2017 and was the consolidation, formulisation and updating of various conditions and procedures that were previously used by the Council. The Policy is currently reviewed 3 yearly and was recently reviewed in April 2020, prior to the publication of the new national guidance. It is, therefore, felt necessary to review the Policy in line with this guidance.

### 2.0 Objectives

The Council seeks to promote the following objectives, through the licensing process:

- Protection of the safety of the public, safeguarding children and the vulnerable
- The health and safety of the drivers
- Protection of the environment
- Access to an efficient and effective transport service

- Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of their required standards of service

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

### 3.0 Policy Status

In exercising its discretion in carrying out regulatory functions, the Council will have regard to this Policy document. This Policy will provide Council Officers who are required to administer the licensing function, with appropriate guidelines within which to act.

Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits.

The Council acknowledges that the existing hackney carriages and private hire vehicles and drivers set a high standard of appearance and performance. This Policy seeks to reinforce the high standards for all new licence holders joining the trade and explain the full range of enforcement options available should they be needed.

### 4.0 Statutory Taxi and Private Hire Vehicle Standards (Appendix A).

The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department of Transport in 2010, where there is a conflict between the two documents, the 'Standards' take precedence.

The 'Standards' have been considered alongside Charnwood's existing Hackney Carriage and Private Hire Licensing 2020 Policy and this report covers only the areas that the Licensing Section/Policy does not already cover or is relevant to Charnwood.

When referring to a proposed change the section and page of the 'Hackney Carriage and Private Hire Vehicle Licensing Policy' (HC/PH Policy) is stated to allow members to review the changes, which have been highlighted. The corresponding section, in the 'Statutory Taxi and Private Hire Standards' (Standards), is listed in brackets at the end of each proposed change in the report.

#### 4.1 HC/PH Policy -Section 1, point 1.3 Pg. 7

The Policy is currently reviewed every three years. The DfT Standards recommends that licensing authorities should review their licensing policies every 5 years, but that interim reviews should be considered if significant issues arise in their area. It is proposed that the review of the Hackney Carriage and Private Hire Licensing 2020 policy is moved to every 5 years. (Standards Section 3, point 3.5 Pg. 8)

4.2 HC/PH Policy- Section 1. pg. 8

New provisions relating to whistleblowing enabling licensing officers to be confidentially informed of a safeguarding issue. (Standards Section 3, point 3.8 pg. 9)

4.3 HC/PH Policy – Section 2. Page 13

Additional sentence added next to Police to advise of the use of Common Law Police Disclosure to obtain details on an applicant if they have been arrested, bailed, not charged or suspected of being involved in an offence. (Previously the Notifiable Occupation Scheme) (Standards section 4, point 4.9 - 4.10, pg. 13)

4.4 HC/PH Policy – Section 2, page 16 under heading Convictions and throughout Policy)

Additional sentence added to advise that 'licence holders are required to notify the Licensing Section within **48 hours** of an arrest and release charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence'. (Standards section 4.12, pg.13)

4.5 HC/PH Policy – Section 2 page 21, 2.11 and Section 6 page 93 6.6 and 6.10

Additional sentence added to advise that 'All licensed drivers are required to maintain continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months'. (Standards section 6.2 pg. 23)

4.6 HC/PH Policy – Section 2, page 25, 2.17 and throughout policy)

Additional sentence added to advise that 'a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Barring Service (DBS) The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.' (Standards section 4.14 -4.16 pg14)

4.7 HC/PH Policy – Section 2, page 20-21, 2.11

An additional sentence will be added to advise that 'In the interests of public safety, Charnwood will not issue a licence to any individual that appears on either barred list'. (Standards section 6.3 pg. 23)

4.8 HC/PH Policy – Section 2. Page 17 – 18. 2.7

A lack of language proficiency could impact on the driver's ability to understand written documents, such as policies and guidance. Oral proficiency will be of relevance in the identification of potential exploitation through communication with passengers and their interaction with others. The 'Standards' recommends that a licensing authorities test of a drivers

proficiency should cover both oral and written English Language Skills to achieve these objectives.

The Councils current Knowledge test is a written paper only and has not been carried out during the Coronavirus Pandemic. Due to Covid this is to be reviewed as to how this can be delivered in the future and an oral and written aspect will be introduced. (Standards section 6.14 pg.25)

#### 4.9 HC/PH Policy – not currently included

Enhanced DBS and barred list checks are not available for vehicle licensing, only licensed drivers. The 'Standards' recommends criminality checks for vehicle proprietors (owners), in the form of a 'basic' disclosure from the DBS and that the check is undertaken every 6 months. This would not be required for those that are already a licensed driver. (Standards section 7, pg. 26).

#### 4.10 HC/PH Policy – not currently included

The 'Standards' recommends that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicles including children or vulnerable adults and taking into account potential privacy issues. (Standards section 7, pg. 27) A further Annex of the DFT Standards does advise that it is important to note that in most circumstances a licensing authority which mandates the installation of CCTV in hackney vehicles (taxis) and private hire vehicles would be responsible for the data - the data controller.

Currently the Policy at Section 3, point 3.20 advises the trade that CCTV can be a valuable deterrent but does not request CCTV to be a mandatory requirement of the licensing regime, as it is considered best to be left to the judgement of the owners and drivers themselves.

#### 4.11 HC/PH Policy – Section 4, pg. 50 4.2.

Enhanced DBS and barred list checks are not currently available for private hire vehicle operator licensing. Under the current licensing policy every applicant for a private hire operator's licence (unless they are already currently a licensed driver with the Council) is required to complete a Basic DBS check and a Statutory Declaration every 3 years. A Basic Disclosure only shows an unspent conviction which is why a statutory declaration is requested, signed by a solicitor.

The 'Standards' state that licensing authorities should require a basic disclosure from the DBS annually. This would not be required for an applicant already licensed as a driver with the Council. (Standards, Section 8 pg. 29)

The policy has been changed to advise that the DBS Basic Disclosure be obtained annually from each director etc. that isn't a licensed driver.

#### 4.12 HC/PH Policy – not currently included

The 'Standards' Section 8.8, pg.30 recommend that all licensing authorities should, as a condition of granting an operator's licence, require a register be kept of all staff, that will take bookings or dispatch vehicles.

An additional section is to be included within the Policy at Page 56, point 4.14 under the heading 'Conditions of Licence' entitled 'Booking and Dispatch Staff' that states;

'Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that has contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff, that have contact with the public and/or oversee the dispatching of vehicles, does not pose a risk to the public. It is a condition of granting an operator licence, that you are required to keep an up to date register of all staff that will take bookings or dispatch vehicles.'

#### 4.13 HC/PH Policy – not currently included

The 'Standards' recommends that Private Hire Operators should be require to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. (Standards Section 8 – pg. 30)

Under the additional heading of 'Booking and Dispatch Staff' will be an additional paragraph that states:

"Any staff listed on their register of 'booking and dispatch staff' should have provided, as part of their employment contract, a recent Basic DBS Disclosure. These checks should be conducted on any individuals added to the register and are compatible with the company's policy on 'employing ex-offenders.'"

A record that the operator has had sight of a basic DBS certificate should be stated and retained for the duration that the individual remains on the register (the actual certificate itself should not be retained by the operator).

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract to advise the operators of any convictions while they are employed in the role'.

Should a member of booking and dispatch staff leave and return a new DBS certificate is required and a record made that the new DBS certificate has been seen.

The register is required to be a 'living document' that maintains records of all of those in the role of booking and dispatch staff for the same duration as booking records are required to be kept, i.e. 6 months.

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Should they choose to outsource these functions they should require evidence that comparable protections are applied by the company to which they outsource their functions.'

#### 4.14 HC/PH Policy – not currently in Policy

The 'Standards' recommends that Private Hire Operators should be required to provide on application, a copy of their policy on employing ex-offenders in roles of 'Booking and Dispatch Staff.' (Standards Section 8, pg. 31)

Under the additional heading of 'Booking and Dispatch Staff' will be an additional paragraph that states every applicant will be required to provide a copy of their policy on employing ex-offenders in roles of 'Booking and Dispatch Staff.

The Council's operator application form will be amended to include this on the application check list.

#### 4.15 HC/PH Policy – not currently in Policy

The 'Standards' covers the use of Passengers Carrying Vehicles (PCV) licensed drivers. (Standard section 8.16 pg.31)

PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator, that they will receive a private hire vehicle licensed vehicle and driver.

An additional section is to be included within the Policy at Page 57, point 4.15 under the heading 'Your duties as an operator' entitled 'PSV Vehicles and PCV drivers' that states;

'The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

Where a private hire vehicle is unsuitable , for example where a larger vehicles is needed because more than 8 passengers seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS.'

#### 4.16 Enforcing the Licensing Regime

The 'Standards' (section 9.2, pg.33) goes on to state that where the need arises, licensing authorities should jointly authorise officers from other authorities so that compliance and enforcement can be taken against licensees from outside the area.

If the need arises this is something that all Leicestershire Councils would need to consider and a suitable protocol and authorisations would need to be agreed at that time.



# Statutory Taxi & Private Hire Vehicle Standards

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# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - the rules of natural justice should be observed.
  - decisions must be reasonable and proportionate.
  - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any 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 person at any time of day or night?**

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### **‘County lines’ exploitation**

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### **Stretched Limousines**

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

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

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

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

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

## Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

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

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- 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.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

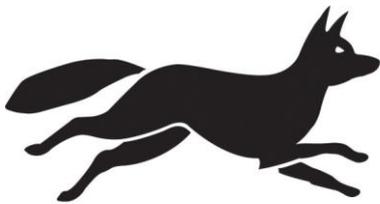
When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

## Hackney Carriage and Private Hire Licensing Policy



Charnwood



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## 1.0 Introduction

Charnwood Borough Council (The Council) is responsible for the regulation and administration of the Hackney Carriage and Private Hire trades licensed by the Council.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel safely around the Borough, whilst playing a visible role in portraying the image of Charnwood.

Whilst customers expect safety, when using Charnwood licensed vehicles, it is also beneficial to ensure that customer experiences are positive as this will help the industry and the local economy thrive.

This Policy is concerned with the application of powers exercised by The Council , in respect of hackney carriages and private hire vehicles, conferred principally by the Local Government Miscellaneous Provisions) Act 1976, as amended and other relevant legislation.

In developing this policy we have also taken into consideration;

- The Council's licensing objectives
- The Office of Fair Trading "The Regulation of Licensed Taxi and PHV Services in the UK" 2003
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010
- Charnwood Borough Council – Regulatory Services Enforcement Policy [http://www.charnwood.gov.uk/pages/regulatory\\_service](http://www.charnwood.gov.uk/pages/regulatory_service)
- Charnwood Borough Council – What to expect from Charnwood Regulatory Services [http://www.charnwood.gov.uk/pages/regulatory\\_service](http://www.charnwood.gov.uk/pages/regulatory_service)
- Immigration Act 2016
- [Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018](#)
- [The Department for Transport 'Statutory Taxi and Private Hire Vehicle Standards' – July 2020](#)

This Policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions; the Council will have regard to this Policy document. However, each application or enforcement action will be considered on its own merits.

## 1.1 Licensing Aims and Objectives

The principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. In setting out its Policy, the Council seeks to promote the following objectives;

- Protection of the safety of the public, safeguarding children and the vulnerable
- The health and safety of the drivers
- Protection of the environment
- Access to an efficient and effective transport service
- Provide and maintain a professional and respected hackney carriage and private hire trade, by continued monitoring and improvement of their required standards of service

When considering each of the requirements detailed in this document, the Council has tried to ensure that each requirement is proportionate to the risk it seeks to address, balancing the cost of the requirement against the benefit to the public. The principle is that the costs of implementation should be commensurate with the benefits of the policy.

## 1.2 Best Practice Guidance

In formulating this Policy, advice contained in the "Taxi and Private Hire Vehicle Licensing Best Practice Guidance February 2010" [and the "Statutory Taxi & Private Hire Vehicle Standards July 2020"](#) issued by the Department for Transport has been taken into account.

[The "Statutory Taxi & Private Hire Vehicle Standards" replaces relevant sections of the Best Practice Guidance issued by the Department in 2010. Where there is a conflict between the two documents, the Standards take precedent.](#)

## 1.3 Implementation

This Policy will take effect from 01/04/2020 and will be reviewed after **three** years. Revisions will be considered as appropriate.

**Commented [DG1]:** Standards states LA'S should review 5 yearly? GD 11.01.2021

## 1.4 Licensing Profile

At the time of writing there are licences for 180 hackney carriages, 106 private hire vehicles and 35 private hire operators. There are 270 Combined Drivers, 12 hackney drivers, 31 private hire drivers licensed and 7 dual licensed drivers. Those existing drivers not currently holding a combined badge will receive one on renewal.

The Council introduced the combined badge for all drivers in 2017. Prior to this change drivers could either have a hackney, private hire or dual badge. The Combined badge for all hackney and private hire drivers allow them to drive either type of licensed vehicle and removed individual hackney and private hire driver badges. This reduced the cost for a number of drivers, whilst allowing more flexibility for drivers and companies with a mixed fleet of licensed vehicles.

## 1.5 Departure from the Policy

In exercising its discretion in carrying out its regulatory functions the Council will have regard to this Policy document and the objectives.

Each application or enforcement measure will be considered on its own merits and where appropriate in accordance with the Enforcement, Convictions Scheme and Penalty Points Policy.

## 1.6 Consideration of Applications

The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. For drivers and Operators the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process.

All applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested and or relevant. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

## 1.7 Enforcement Measures

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade.

In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Council will take action appropriate with the Councils Enforcement, Convictions Scheme and Penalty Points Policy.

In order to ensure compliance with the Council's Hackney Carriage and Private Hire Licensing Policy and to monitor licence holders ability to fulfil the 'fit and proper' test, an Enforcement, Convictions Scheme and Penalty Points Policy will be utilised. The scheme, as described in Section 5 will serve both as an early

warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.

## 1.8 Delegated Powers

All Officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

## 1.9 Whistleblowing (-confidential reporting code)

Licensed drivers should feel confident to report issues to their operator or the Licensing Section which may be contrary to the law whilst protecting their identity. Advice can be found at ; <https://www.gov.uk/whistleblowing>

### 1.910 Fees

Under the Council's Constitution the Licensing Committee are responsible for all the Council's licensing functions which are not the responsibility of the Executive. The Head of Regulatory Services has delegated power to undertake the periodic review of fees and charges raised within his/her service area and falling within the scope of the Council's Income and Charging Policy Framework (Constitution, section 8.2) but if on consultation, there are objections, can refer these matters to the appropriate committee, the Licensing Committee, to make a final decision.

The fees are reviewed at the start of each calendar year and if necessary, confirmed by the Licensing Committee, ahead of the start of each financial year i.e. 1st April. The Licensing Committee, however, can review the fees at any time.

The Council would follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation in the fees.

### 1.1011 Equal Opportunities

The applicant and licence holders must treat everybody equally. This means that you must not let a person's age, sex, marital status, disability, race, religion or sexuality affect the way that you treat them.

### 1.1112 Change in Policy/Conditions

The Council may add or amend any Licence Condition.

Any applicant or licence holder must, comply with any new or amended condition within 21 days of being given notice of it by the Council or any longer time stated by the Council.

Taxi Stds Draft Policy

## Drivers

Taxi Stds Draft Policy

## Drivers

### 2.1 Licences

Drivers of Hackney Carriages should have a copy of the relevant Byelaws and also be aware of the provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, all of which contain provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Drivers of Private Hire Vehicle must be aware of the Local Government (Miscellaneous Provisions) Act 1976 which contains provisions which, if breached, can result in prosecution or the suspension or revocation of the licence.

Information submitted as part of the application process or received during the lifetime of the licence will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police, HM Customs & Excise.

S 46 of the Town Police Clauses Act 1847, states that no person shall act as a driver of any hackney carriage without first obtaining a licence. Case law has also stated that a private hire vehicle is always a private hire vehicle until the licence expires. Therefore, only drivers licensed by Charnwood Borough Council are allowed to drive vehicles licensed by the Council, even though the vehicle may be insured for social, domestic and pleasure use.

### 2.2 Fit and Proper Person

The Council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person, to drive a hackney carriage or private hire vehicle, and that person must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either Officers or Members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

#### Fit & Proper Person Test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are and remain fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of The Local Government (Miscellaneous Provisions) Act 1976 (Part II).

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration (but not limited to) the following factors:

- Criminality
- Period of holding a driver's licence
- DVLA Licence and any endorsements
- Right to Licence
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including Honesty, ~~and~~ integrity [and the reasons for any entry on the NR3 Register](#)).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.
- [Immigration Status of the applicant](#)
- [Harm Test - a person satisfies the 'Harm Test' if they may harm a child or vulnerable adult or put them at risk of harm. Or it is something a person may do to cause harm or pose a risk of harm to a child of a vulnerable adult.](#)
- 

In addition the Council will also consider further information sources such as the Police ([use of Police Common Law Disclosure \(which replaced the Notifiable Occupation Scheme, in March 2015\)](#)), Children and Adult Safeguarding Boards, other Licensing Authorities, the National Register of Taxi Licence Refusals and Revocations (NR3) and statutory agencies.

## 2.3 Age and Experience

### Drivers must;

- Have a minimum of one year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).
- The drivers DVLA/EEA licence must meet the criteria of the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5.
- If using an EEA licence, the length of time it has been held will be taken in account but the driver must change their EEA licence to that of a UK licence

within 12 months of their application, to ensure the necessary licence checks can be carried out. The driver must produce their original DVLA UK licence to the Customer Service Centre for a copy to be taken. Failure to provide may result in suspension of their licence or a renewal application being refused.

- The driver must have a **VALID** DVLA photo card driving licence (if appropriate) at all times.
- Provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

## 2.4 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Charnwood. A reasonable standard of dress code should be maintained. All clothing worn by the driver should be appropriate, clean and in good condition.

## 2.5 Driver Conduct

Drivers must have regard to any written code of conduct that might be issued by the Council.

Drivers must be professional, polite, show courtesy and be respectful towards all members of the public, including fellow drivers, operators and Council Staff. Discriminatory behaviour will not be tolerated.

Drivers are issued with two licence badges. One of these badges must be worn at all times they are working as a licensed driver; the other badge must be displayed on the dashboard of the licensed vehicle in the holder supplied

A licence will not be issued until the appropriate fee is paid. If payment for a licence does not clear and a licence has been issued, then this will result in suspension of the licence until payment is received. Failure to make a successful payment may be considered poor conduct, which is appropriate to be dealt with separately.

Smoking is not permitted in any licensed vehicle at any time. It is also an offence contrary to the Health Act 2006 for which the Council is the enforcing authority. Drivers must not smoke in a licensed vehicle at any time, even when not working, or allow their passengers to do so. If observed or reported to Licensing, you may be at risk of receiving a Fixed Penalty Notice and Penalty Points against your Hackney Carriage/Private Hire Drivers Licence.

Drivers must not use an e-cigarette or similar while inside a licensed vehicle. If observed or reported to Licensing, you may be at risk of Penalty Points against your Hackney Carriage/Private Hire Drivers Licence.

No hackney carriage shall be left unattended on a rank.

When arriving at a rank, drivers should place their vehicle at the front of the stand or immediately behind any vehicle already at the stand. Hackney Carriage drivers must respect rank etiquette. Attention is drawn to points 8 to 16 inclusive of The Council Byelaws that are available on the Licensing Pages of the Council Web Site.

### **Transporting**

Drivers must not carry more people in the Vehicle than is specified on the Vehicle Licence/plate.

When working, drivers cannot allow any other person or animals, other than those travelling with the hirer, to travel in the Vehicle. Where there is more than one hirer (shared taxi/PHV) the hirers must agree to the joint use of the vehicle.

It is the responsibility of the driver of the vehicle to ensure that all passengers are using the seat belts in accordance with the law.

### **Advance Bookings**

Drivers must not arrive at pre-arranged pick up points more than 5 minutes late unless something unavoidable has happened to delay or prevent them from reaching the pick-up point. Drivers must contact the hirer or operator to inform them of a late arrival i.e. more than 5 minutes.

### **Destination**

Drivers must take the shortest route to the destination or, after discussing the matter with the passenger, the quickest, available route. Except in cases where a fixed fare has been agreed beforehand.

### **Lost Property**

If any property has been left in the Vehicle it must, unless it is claimed by the passenger who lost it, as soon as possible, and in any event within **24 hours**, be handed in to the nearest Police Station.

### **Receipts**

The driver must provide written receipt to a passenger if requested.

### **Fares**

The driver has to comply with the requirements of this Policy in respect of fares for their vehicle, whether it is a hackney carriage or private hire vehicle.

### Licence Plates

The driver must ensure that both the internal licence plate and the external plates are clearly displayed, so that they can be easily seen.

### Changes of driver details

If you change your name and/or address you must inform the Council in writing on the appropriate form, and return your licence to the Council within 10 working days of such a change.

### Authorised Officers

A licence must be produced at the request of an Authorised Officer or Police Officer. If the driver does not have their licence available when requested it must be produced to the Licensing Section of The Council within 10 working days.

### Operation of these conditions

Breaches of these conditions will be subject to the **Enforcement, Convictions and Penalty Points Policy**; however the Council reserves the right to take any appropriate regulatory action in addition to or instead of the penalty Points system.

### Convictions

For applicants and existing drivers the **Enforcement, Convictions Scheme and Penalty Points Policy** at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

An applicant or existing driver must declare any convictions, (including spent convictions, and motoring convictions), Simple Cautions, arrests, ongoing investigations and/or notices of intended prosecutions.

[Licence holders are required to notify the Licensing section, within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. All other offences must be declared to the Licensing Section at least within 10 working days of the offence.](#)

[Failure to declare any of this information within the required 48 hours \(an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence\) or at least within the 10 working](#)

~~days for other offences, at least within 10 working days~~ will be relevant to the drivers conduct and could lead to revocation, suspension or refusal.

A driver issued with a fixed penalty notice by the police or an authorised officer of the council, including offences of littering or smoking, he/she must inform the Licensing Section immediately or at least within **10 working days** of accepting the offer of a fixed penalty.

Licensed drivers are obliged to notify the Council with ~~in 48 hours out delay~~ of any criminal convictions.

Drivers must notify the Council ~~within 48 hours without delay~~ if they are subject to an investigation for any offence other than a minor motoring offence.

Drivers who are disqualified from driving by any court of law must immediately surrender their Licence and Badges to the Council.

If a driver receives notification through the post of an offence, after being caught on camera, then they must inform the Licensing Section within 10 working days of accepting guilt for the offence.

With regard to the situations described above, the driver must bring the DVLA licence (with any covering letter from Swansea or the postmarked envelope), into the Council for copying, within 10 working days after being returned to them from Swansea. In this case the Council know that an offence has happened and that points may be added to the licence. Details can then be recorded on the Driver's record that they have informed the Council and they can provide a DVLA check Code to the Licensing Section ( please note this code is only valid for 21 days) for the DVLA licence to be checked. This therefore complies with the Council's Conditions for Private Hire/ Hackney Carriage Drivers.

If a driver contests the allegation in Court, and is subsequently convicted, and his/her licence endorsed, the 10 working day period to allow for notification would commence on the date of conviction. Clearly if he/she is acquitted, no offence has been committed.

## 2.6 Application Procedure – New Driver

Before completing the application process for a new driver licence, the applicant will need to complete the following requirements;

- Complete and pass the knowledge Test
- Submit on-line application form and pay relevant fee
- Practical Driving Test
- Group 2 Standard Medical Assessment
- Disclosure and Barring Service (DBS) Disclosure - Enhanced
- Certificate of Good Conduct ( where appropriate)
- Safeguarding Awareness Training

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Approved by Licensing Committee 11<sup>th</sup> February 2020

- Right to Licence
- DVLA Mandate

The full application procedure is set out in Section 6 and on the Licensing Pages of the Councils website, [www.charnwood.gov.uk](http://www.charnwood.gov.uk) (click on Business)

A description of each requirement can be found below;

## 2.7 Driver Knowledge Test

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a knowledge test. The purpose of this test is to make sure that all applicants have a satisfactory knowledge of the Borough of Charnwood and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets etc. and the routes to nearby villages. You will also be tested on your knowledge of the Councils licensing conditions, together with customer care basic numeracy, and the ability to read, understand and write English.

New applicants are required to pass the knowledge test prior to submitting an online application form.

Applicants will need to make payment for a test at time of booking to ensure their place. **There is no refund for non-attendance or cancellation with less than 24 hours' notice.**

Should an applicant have a disability and require reasonable adjustments, they are asked to make Licensing aware when booking the test. Where an applicant has requested reasonable adjustments, the adjustment made must be relative to the applicant's disability.

Each applicant has three opportunities to pass the paper. Should you not pass after three attempts you will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to re-take the Knowledge Test.

Once an applicant passes the Knowledge Test they will receive a pass certificate, valid for 2 years from the date of the test.

## 2.8 Practical Driving Test

All new drivers **MUST** take and pass a practical driving test, specifically for private hire and hackney carriage drivers.

A pass certificate will be deemed acceptable for 12 months from the date of the test.

A practical driving test certificate, previously taken with the Council's approved provider, will be acceptable, if dated within the last 12 months.

The aim of the hackney carriage and private hire assessment is to provide a high level of credibility with customers, by providing an assurance of a minimum standard of quality, whilst helping to promote the hackney carriage/private hire as a safe, reliable mode of transport.

Details of the current provider(s), recognised as suitable, to the satisfaction of the Head of Regulatory Services and the Licensing Manager, are listed within Section 6 of this Policy.

## 2.9 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, an appropriate standard for licensed Hackney Carriage and Private Hire drivers is a Group 2 Standards of Medical Fitness as applied by the DVLA, to the licensing of lorry and bus drivers

A medical examination is required on the first licence application and then every 3 years from when first licensed and annually after the age of 65. For drivers with Diabetes, or insulin treatment, additional requirements may be needed (see Application Guidance, in section 6 of this policy)

Applicant's and current drivers are to undergo medicals with their own GP. The applicant will be responsible for paying the fee for the examination to the relevant surgery and for ensuring all sections are completed in full by their GP.

The medical certificate can be uploaded to the Councils website (refer to the 'Apply for a new Combined Drivers Licence' page). Please ensure you keep your original medical form. Should a medical certificate need to be returned to the GP, due to an error on the form, the applicant will be notified of this and it is their responsibility to ensure a correct medical certificate is resubmitted, within a timely manner to complete the application. Any changes to the Medical Form made by your GP must be signed and dated by the GP. Such certification must be less than **three months old**.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current medical examination less than 3 months old, which has been completed with their own doctor, is acceptable (should he/she wish to use the same medical examination for his hackney carriage/private hire licence).

Licence holders must provide written notice to the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities. Such notice **MUST** be given in writing, as soon as practical, from the moment that the person becomes aware of the deterioration.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical examination, at the drivers own expense.

No licence shall be issued until medical clearance has been established.

## 2.10 Assistance Dogs

Under the Equality Act 2010, licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles, and allow it to remain under the physical control of the owner without additional charge. It is best practice to ask the passenger where they want themselves and their dog to sit in the vehicle.

Drivers, who have a relevant medical condition, may apply to the Council for an exemption from these duties on medical grounds and must provide written evidence from their GP. If an application is successful, they will be issued with an exemption certificate, and a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or charge more for the fare or booking.

## 2.11 Disclosure & Barring Service (DBS) Disclosures

A criminal record check of a driver is an essential safety measure in assessing whether or not an applicant is suitable to hold a licence.

An **Enhanced** Disclosure provided by the DBS, requesting information on barred lists for both children and vulnerable adults is required by all applicants, whether new or renewal. These disclosures include details of live and spent convictions, Police cautions and other relevant information that indicates whether a person poses a risk to public safety.

[In the interests of public safety, Charnwood will not issue a licence to any individual that appears on either barred list.](#)

[If a new applicant or existing driver's licence is refused or revoked as the individual is thought to present a risk of harm to a child or vulnerable adult, this is to be referred to the Disclosure and Barring Service \(DBS\). The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.](#)

The Disclosure Barring Service application procedures are detailed in the Application Guidance at Section 6 of this Policy.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order") does not apply to applicants for hackney carriage and private hire driver licences. All drivers **MUST** disclose on their application form all convictions, including those that would normally be regarded as spent.

The Council is an accredited Disclosure Barring Service Registered Body and the applicants can deal with the Disclosure Barring Services through the Council

All applicants requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate. Any such cost will be non-refundable once the DBS application has been submitted.

Before an application for the grant of a new drivers licence will be considered the applicant must provide a current, original (less than 3 months old) Enhanced DBS Disclosure Certificate, issued specifically for Charnwood Borough Council. Charnwood Borough Council will accept an original Enhanced DBS Disclosure Certificate obtained through another registered body (for example, Leicester City Council) if it is less than 3 months old and has been processed in relation to the child and adult workforce employment position (as specified on the disclosure).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any warnings, convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced Disclosure Barring Service Disclosure Certificate or the ability to check through the DBS Update Service.

#### **DBS update Service**

It is a condition upon the grant of a new licence that all drivers are required to subscribe to the DBS update service.

It is a condition of licence that all existing drivers on renewing their DBS after the introduction of this Policy in April 2020, are required to subscribe to the DBS update service.

All new and renewing Drivers **MUST** enrol on the DBS update service **within 30 days** of the date of their disclosure certificate.

The licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity – convicted or otherwise.

[All licensed drivers are required to maintain continuous registration with the DBS update service to enable the licensing authority to routinely check for new](#)

[information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months.](#)

## 2.12 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this Policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad will be required to provide a Certificate of Good Conduct from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

A licence will not be granted or renewed in the absence of a current Certificate of Good Conduct.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct but will require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

## 2.13 Safeguarding Awareness Training

Every driver **must** undergo Safeguarding Vulnerable Passenger Training before a licence is issued.

Details of the current 'Safeguarding eLearning Course' provider, recognised as suitable, to the satisfaction of the Head of Regulatory Services and the Licensing Manager, is listed within Section 6 of this policy. Further information and the link by which to access the course is available on the licensing pages of the Councils website.

The course aims to provide Taxi and Private Hire drivers with a knowledge and understanding of Safeguarding, their responsibilities and best practice protocols. The candidate will be able to;

- Understand what is meant by the term 'Safeguarding'.

- Identify adults at risk and other vulnerable people.
- Understand what is meant by Child Sexual and Criminal Exploitation, Human Trafficking, Modern Slavery and Domestic Abuse.
- Recognise types of abuse, associated signs and indicators.
- Identify suspicious activities.
- Know how, and the whom, they can report concerns.
- Understand their safeguarding responsibilities and best practice protocols.

Where an applicant, has undertaken a similar safeguarding awareness training course, written details must be provided of the course, along with written confirmation of attendance. The Head of Regulatory Services and the Licensing Manager will consider the contents of both courses and whether the completed course is an acceptable alternative.

**No licence** will be issued without attending the course and satisfactorily passing the test.

## 2.14 A 'Right to a licence' in the UK.

Under **the Immigration Act 2016**, the Council require all applicants to provide documentary evidence to confirm that they have a 'right to a licence' in the UK. This means that someone is not disqualified by their immigration status from holding an operator or Private Hire/Hackney driver licence. The Home Office has compiled a list of acceptable documents which prove someone has the Right to hold a licence in the UK. Documents will fall into either **List A** or **List B**. This list can be found on the Councils Licensing Web page – 'Apply for a New Combined Drivers Licence.'

No license will be granted or accepted, until the applicant is able to prove they have a right to licence in the UK.

An applicant will need to provide either;

- a) Document(s) from **List A**, these documents show a permanent right to remain in the UK. ; Or
- b) Documents from **List B**, these documents show a temporary right to be in the UK.

These must be **original documents** which will be required to be checked within the applicant's presence. Photocopies; scanned documents and faxes for example are not acceptable.

Proof of a 'right to licence' in the UK must be provided when an application is made in respect of new applicants. In respect of renewal applicants, proof should be provided on every application, if they have previously provided documents from List B only. If proof cannot be provided at the time of renewal the Council will allow the application to be made, but no licence will be granted until proof has been provided.

A copy of the relevant page(s) of the documents provided will be retained in a format which cannot subsequently be altered, for example a photocopy or a scanned document. In the case of a passport or other travel document, the following parts must be photocopied or scanned:-

- the document's front cover and any page containing the holder's personal details.
- any page will be copied that provides details of nationality, his or her photograph, date of birth, signature, date of expiry or biometric details, and any page containing UK Government endorsements indicating that the holder has an entitlement to be in the UK and is entitled to undertake the work in question.

Other documents will be copied in their entirety.

#### **Failure to comply with 'Right to Licence'**

An application for the first grant of either a private hire operator or hackney carriage/ private hire driver licence will not be accepted if the applicant fails to provide evidence of their Right to Licence in the UK.

Any renewal applicant who fails to comply with the requirement to prove their Right to Licence in the UK will be refused a private hire operator licence or private hire or hackney Carriage driver licence.

If an applicant produces documentation from **List B** to prove their Right to Licence in the UK then, upon expiry of this document, if during the term of the Private Hire or Hackney Carriage licence, they are required to produce further documentation showing their ability to continue working.

A letter reminding the licence holder that their hackney carriage/private hire drivers licence is due to expire, due to the expiry date of his/her Right to Licence documents will be sent 2 months prior to the expiration date. Failure to produce evidence of Right to Licence will lead to the revocation of their licence and/or badge with immediate effect.

#### **Reporting of illegal workers to the relevant authorities**

If the Council has any concerns that an applicant has been working in the UK illegally then this information will be reported to the Home Office, Border and Immigration Agency and UK Border Agency.

**Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.**

## **2.15 DVLA Licence**

To be able to obtain a Licence you need to provide a full driving licence (not a provisional licence) which authorises you to drive a motor car when you first apply. This full licence needs to have been held for a minimum of 12 months. A copy of both sides of this licence will be taken at the time you submit your DVLA Mandate Form, with appropriate fee, to the Council's Licensing Section.

In addition to the above, please be aware that if you are using an EEA licence, the length of time it has been held will be taken in account but you must change the EEA licence to that of a UK licence within 12 months of your application, to ensure the necessary licence checks can be carried out.

The driver must produce their original DVLA UK licence to the Customer Service Centre for a copy to be taken. Failure to provide this may result in suspension of their licence or a new/renewal application being refused.

The driver must have a VALID DVLA photo licence at all times (If appropriate). If the photo card is due to expire during the lifetime of the 3 year hackney carriage/private hire licence, the licence will not be issued longer than the expiry date of the DVLA photo card.

#### **DVLA – Data Mandate Form and consent.**

The DVLA Mandate will be posted out to new drivers once they have passed their knowledge tests and with renewal driver packs. You will need to visit the Customer Service Centre at the Council Offices to submit this document and pay the appropriate fee. This document is to be completed by the applicant, **IN BLACK INK** to confirm his/her entitlement to drive.

The DVLA Mandate gives consent to the Council to check the applicant's driving licence record for three years.

## **2.16 Relevance of Convictions and Cautions**

In relation to the consideration of convictions and cautions recorded against new applicants, the Council will use the Enforcement, Convictions Scheme and Penalty Points Policy set out in Section 5 of this policy.

### **2.16.1 Convictions during period of Licence**

It is important, in the interests of consistency and transparency that a procedure should be in place to consider, where offences resulting in conviction are committed by licensed drivers, what effect this could have on their hackney carriage or private hire driver's licence.

Driver licence holders, who are convicted of any, caution, criminal or motoring offence (including endorsements) during the period covered by their existing licence, must disclose the conviction and the penalty involved, to the Council

immediately or at least **within 10 working days of the conviction**. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

Licensed drivers are obliged to notify the Council without delay of any criminal convictions.

Drivers must notify the Council without delay if they are subject to an investigation for any offence other than a minor motoring offence.

For drivers the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

## 2.17 Refusal to Grant

A partial refund may be made at the Licensing Authority's discretion should the licence application be refused or where the application is withdrawn. Any refund request must be made in writing to The Licensing Manager, Licensing Section, Charnwood Borough Council, Southfield Road, Loughborough LE11 2TX.

Taxi Stds Draft Policy

## Hackney Carriage and Private Hire Vehicles

Taxi Stds Draft Policy

## Hackney Carriage and Private Hire Vehicles

### 3.1 Specifications and Conditions

Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.

The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the "type approval" rules within any specifications they determine.

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public. Therefore, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

Details of how to apply are shown in the application guidance at Section 6

It is the vehicle licence holder or operator who is responsible for complying with these conditions unless otherwise stated in a condition.

These conditions will apply to all vehicles licensed as Hackney Carriages or Private hire vehicles and where appropriate subject to extra conditions for exempt (executive) hire and stretch limousines.

Where conditions are subject to interpretation the decision of the Licensing Enforcement Officer/ Licensing Manager will be final and will be confirmed in writing and thereafter form part of the conditions for the vehicle concerned.

### 3.2 Vehicle Requirements

The vehicle must comply in all respects with Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Road Vehicles Lighting Regulations 1989 (as amended) and any other legislation relating to the construction or use of passenger vehicles.

All vehicles must meet M1 Category standards (vehicles designed and constructed for the carriage of passengers and comprising no more than 8 seats in addition to the driver's seat)

All vehicles must be right hand driver and have a minimum of 4 doors. Vehicles should be capable of carrying a minimum of four average sized adults in comfort.

Vehicles can be licensed up to 8 passengers.

All seats within the licensed vehicles must be either forward or rear facing and shall be fitted with a 3-point belt or lap belt for use by each passenger. Stretch limousines may have side facing seats but must meet the seat belt condition.

Tyres must conform to the current EC or BS standard for tyres. (this includes remoulds and re-treads)

The arrangements for storing luggage must not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger.

There must be sufficient means for passengers and drivers to communicate.

The maximum vertical height acceptable between the road and first step or floor of vehicle is 300 mm. Step/steps must be provided to vehicles where this measurement is exceeded. If a fixed step is fitted to the vehicle and is capable of being extended beyond the bodyline, it must be designed, or have a warning device fitted, so the vehicle cannot be driven away with the step extended.

### **3.3 Identification of vehicles as Private Hire Vehicles or Hackney Carriages**

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage can achieve this.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages, which include;

- the permitted position of licence plates
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices/markings that the Council will require licensed vehicles to display

### **3.4 Signage and Advertising**

'Signage' is defined as all signage on the vehicle that is not for commercial advertising i.e. commercial advertising is for goods or services of another organisation.'

No signage is permitted in any window(s) except that used to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

No external or internal signs (other than those required by law or permitted advertising) shall be displayed other than as set out below.

No magnetic signs are acceptable.

Magnetic signs may be allowed on a temporary lease car licensed by Charnwood Borough Council provided that the Council has given prior written approval.

The use of magnetic door signs will be permitted on Exempt vehicles.

### **3.5 Private Hire Vehicles**

To eliminate confusion that a private hire is hailed in the street as a Hackney, a private hire vehicle should not display the word 'TAXI' other than as part of a company name and in the plural, i.e. 'TAXIS.'

A self-adhesive door sign provided by the Council shall be displayed on BOTH rear doors or rear panels (above the wheel arch) of the vehicle. The sign shall incorporate the Council name and logo, plate number of the vehicle and the words "ADVANCE BOOKINGS ONLY – PRIVATE HIRE".

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

A notice is to be displayed in every vehicle giving details of the Licensing Office, to which a customer may make a complaint about a vehicle and/or driver.

### **3.6 Hackney Carriage Vehicles**

A self-adhesive door sign provided by the Council shall be displayed on BOTH the rear doors or rear panels (above the wheel arch) of the vehicle. The sign shall incorporate the Council name and logo and plate number of the vehicle.

Hackney Carriage vehicles MUST be fitted with a roof sign at all times. The sign shall not be illuminated when the taximeter is brought into operation.

Signage may be displayed in the car to advise that smoking is not allowed in the vehicle and that food and drink is not to be eaten.

A notice is to be displayed in every vehicle giving details of the Licensing Office, to which a customer may make a complaint about a vehicle and/or driver.

### 3.7 Livery

The Council will not approve for licensing as a private hire vehicle, any vehicle whose appearance will lead any person to believe it is a hackney carriage.

### 3.8 Commercial Advertising

Advertising of a commercial nature is permitted on both hackney carriages and private hire vehicles.

No commercial advertising is permitted on windows.

Advertisements must comply with the guidelines issued by the Advertising Standards Agency.

Advertisements of the following nature will NOT be permitted:

- Alcohol or any associated product
- Tobacco products of any description
- Religion
- Political
- Controversial
- Bad taste

Any commercial advertising must not obscure, obliterate or be confused with the signage required by the Council.

### 3.9 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to disabled residents to enjoy a high quality of life. The provisions of the Equality Act 2010 will apply to vehicles, drivers and Licensing Authority.

#### 3.9.1 Designated Vehicle List

Section 167 allows licensing authorities to maintain a list of '**designated vehicles**' which is a list of wheelchair accessible vehicles (WAV) Hackney Carriages and Private Hire Vehicles licensed in their area. The minimum requirement for the vehicle to be on this list is that it is able to carry the wheelchair user whilst seated in their wheelchair.

From April 2017, drivers of hackney carriage and private hire vehicles designated by the local licensing authority as being wheelchair accessible must comply with the requirements of **Section 165** of the **Equality Act 2010**, unless they have been issued with an exemption certificate.

Section 165 places duties on drivers of designated wheelchair accessible hackney carriages and private hires. These duties are:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
- To give the passenger such mobility assistance as is reasonably required.

Mobility Assistance is defined as assistance;

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passengers luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

A driver of a designated hackney carriage vehicle or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

Drivers who, for medical reasons are unable to accept wheelchair passengers are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Equality Act 2010. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times the driver is working.

### **3.10 Maximum Age of Vehicles**

Any vehicle over 6 years old (from the date of first registration) which is presented for a certificate of compliance test, annual or interim, and fails that test, will not be allowed to be re-tested.

The vehicle examiner conducting the test has the discretion to pass or fail any such vehicle, submitted for a certificate of compliance test. The Council relies on the abilities of the authorised garages and testers.

Any owner/driver who wishes to resubmit the vehicle for test must do so as a new vehicle (annual) and pay the appropriate licence fee. The vehicle must pass first time to be allowed back on the road. This scenario would be repeated at the time of each annual or interim compliance certificate test, at which a vehicle over 6 years old is presented.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

### **3.11 Environmental Considerations**

Vehicle licensing policies can and should support local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.

LPG conversions to vehicles are acceptable but must meet all other vehicle licence conditions.

Evidence must be produced at the time of licensing to show that an LPG conversion has been carried out by an agent approved by the manufacturer or in the case of LPG conversions, the fitting agent is approved by the LPG association.

Electric and hybrid vehicles are acceptable but must meet all other vehicle conditions.

#### **3.11.1 Clean Air Zones (CAZ's)**

A Clean Air Zone (CAZ) is an area in which a local authority has brought measures into place to improve the air quality.

To implement these schemes, local authorities may need to differentiate between taxis/PHVs and private vehicles. This is because in some cases local authorities will implement CAZs that apply charges to taxis and PHVs and not to private vehicles, or they may wish to set a different level of charge for these vehicles. Licensing authorities only hold information on taxis and PHVs licensed within their own area so are not able to clearly identify and charge a taxi/PHV entering or moving around their charging CAZ which has been licensed by another authority (also known as 'out of area vehicles'). If local authorities cannot identify all out of area vehicles then this would undermine their ability to effectively operate CAZs where charging of these vehicles has been determined to be necessary.

The Air Quality (Taxi and Private Hire Vehicles Database) Regulation 2019 requires all licensing authorities in England and Wales to submit certain information about their licensed taxis/PHVs to the database.

Since the introduction of The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the Council is required to provide vehicle data to Defra following all issues, renewals, suspensions or refusals of licences. The data shared will include vehicle registration mark, start and end date of license, whether Taxi or PHV, licence plate number, and whether the vehicle is wheelchair accessible.

### 3.12 Testing and Examination of Vehicles

Vehicles must be tested in accordance with the Hackney Carriage and Private Hire Licensing Policy

Vehicles must have a current compliance test certificate and be maintained in a condition that would enable them to pass a test at any time. Vehicles may also require testing at the direction of a Licensing Enforcement Officer.

A vehicle must initially pass a Certificate of Compliance test (annual) and a further Certificate of Compliance test (interim) must be produced every six months as part of the Council's vehicle test requirements.

Under normal circumstances all the vehicles the Council licence would require an MOT as provided under section 47 of the Road Traffic Act 1988. Under the Exemption of Motor (Test) Regulations 1981, the Council has applied for an exemption for those vehicles licensed to exempt them to hold an MOT, if the vehicles have been issued with a Certificate of Compliance. This in turn provides a power direct to the Local Authority to test the vehicle. The Certificate of Compliance which is then issued under sections 47 and 48 of the Local Government Miscellaneous Provisions Act 1976 Act.

If licence holders wish to obtain an MOT separate to that of the Certificate of Compliance they may do so. It is worth noting that a Certificate of Compliance will not show your vehicle as having a valid MOT on the national recognised database.

If the vehicle licence is suspended at any time, the compliance test certificate becomes **VOID** and an **ordinary MOT certificate** would be required.

A satisfactory Certificate of Compliance test, from an inspection carried out by a current approved Council's nominated garage (s), **MUST** be produced for all vehicles.

An updated list of the current approved Council garages can be obtained via the Licensing Section of the Council or via the relevant page on the Council's web site.

A Certificate of Compliance, pass certificate, from an inspection carried out at a current approved Council's garage(s) must be produced for all vehicles prior to submitting an application for the respective licence(s) and must be produced annually as part of the application process.

The licence of any vehicle which fails its inspection requirements (annual or interim) may be suspended until such time as the vehicle has been re-examined and the necessary pass certificate obtained.

This is to ensure the vehicles are maintained in the best possible condition and promotes public safety within the Borough.

Any Authorised Officer or Police Officer can, at any reasonable time, inspect the Vehicle and test a Vehicle for its fitness or test a Taximeter (Hackney Carriages) or Meter (Private Hire Vehicles).

An Authorised Officer or Police Officer has the power to suspend the Vehicle Licence until this has been done and they are satisfied that the Vehicle or the Taximeter or Meter meet these conditions.

You are reminded that if vehicle fails to meet the necessary standards within two months of the suspension, the licence is deemed to be revoked.

If a vehicle is presented for test within 28 days of the previous test having expired it will, for the purpose of this policy's penalty points system, be treated as a licensed vehicle.

### 3.13 Examiners

Mechanics who wish to test licensed hackney carriage and private hire vehicles at a current approved garage(s) are required to obtain a restricted hackney carriage/private hire drivers licence (examiners) badge. A tester will need to request a 'restricted' hackney carriage/private hire drivers (examiners)' application pack from the Licensing Section by contacting 01509 634562 or by emailing [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk)

### 3.14 Vehicle Maintenance

The vehicle shall be maintained in a safe mechanical and structural condition at the manufacturer's service intervals such that it is capable of satisfying these conditions at any time during the continuance of the vehicle's licence.

The interior and exterior of the vehicle must be kept clean, in good order and repair, and in every way fit and safe for public use.

The exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

### 3.15 Accidents/Damage to Vehicle

Public safety is paramount. All vehicles involved in an accident, will be required to notify the Council of an accident or damage to a licensed vehicle, **within 72 hours of the accident.**

The Licensing Authority may undertake its own programme of inspections between formal vehicle tests, e.g. where notified of an accident. Where an Officer

is unsure as to a vehicle's compliance or vehicles fitness, the vehicle will be referred to a current approved Council garage(s) for a formal assessment.

Where the testing requirements are not met, the Council may either agree a period of time for rectification(warning notice) and re-inspection, or suspend the vehicle until rectification and re-inspection has occurred. The test will be at the owner's expense.

### 3.16 Vehicle Equipment

The vehicle shall carry the following equipment:

- The manufactures original design of equipment for dealing with punctured tyres must be kept on the vehicle and maintained in a usable condition.
- A vehicle must be fitted with a fire extinguisher, either dry powder or CO2 with a dial indicator, with a minimum capacity of 1 litre. The fire extinguisher shall be indelibly marked with the registration number or the plate number of the vehicle. Fitted in such a position to be readily available for use.

### 3.17 Vehicle Licence Plates

The licence plates when issued by the Council shall be securely fixed to the front and rear of the vehicle using the bracket supplied by the Council. All licence plates shall be fitted so that they are clearly visible to public view at all times. Any vehicle where a bracket cannot be used must obtain written permission for this from the Council and carry this letter within the vehicle to present at vehicle tests. Extender kits are available from the Council.

The internal licence plate supplied by the Council shall be displayed in the top near side corner of the front windscreen, visible to all passengers.

The proprietor/operator or driver of the vehicle shall not negligently or wilfully cause or suffer any licence plate to be concealed from public view or allow the licence plate to be defaced, whilst the vehicle licence is in force.

All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered or the licence has expired.

#### 3.17.1 Dual Plating

The Council **will not grant** a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority.

### **3.18 Meters**

#### **Authorised Meter Installers**

The Council approves the use of two meter installers, details of which can be obtained by contacting the licensing section.

#### **Meters**

All hackney carriages are required to be fitted with a taximeter installed by a Council approved taximeter installer.

The taximeter fitted in a Hackney Carriage will be sealed and calendar controlled to the current tariff as set by the Council.

Private hire vehicles, that have a meter fitted, will ensure that they are sealed and calendar controlled, and set to the current tariff set by the vehicle's private hire operator.

The meter/taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is Council compliant.

Seals must be intact at any time that the vehicle carries a licence plate, except when at an approved installers premise.

#### **Hackney Carriages**

All Hackney Carriages must have a working taximeter fitted that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The original certificate issued by the installer must be provided to the Licensing Section on grant of the vehicle licence or at tariff change.

The driver of a vehicle provided with a taximeter as aforesaid shall:-

- ensure that no fare is recorded on the face of the taximeter prior to the commencement of any hiring;
- shall ensure the dial of the taximeter remains properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Council's current tariff shall be clearly displayed in the vehicle where it can easily be seen by passengers.

If the vehicle is also operating as a private hire vehicle under a private hire operator it must clearly display that operator's current fare chart.

### **Private Hire Vehicles**

A private hire vehicle, if fitted with a meter, must have a meter that meets the requirements of the Hackney Carriage and Private Hire Licensing Policy.

The original certificate issued by the installer must be provided to the Licensing Section on grant of the vehicle licence or at tariff change.

The driver of a vehicle provided with a meter as aforesaid shall:-

- ensure that no fare is recorded on the face of the meter prior to the commencement of any hiring;
- cause the dial of the meter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

A copy of the Operators current fare chart shall be clearly displayed in the vehicle if the vehicle has a meter fitted.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired. If the charge is calculated from a fare/tariff, a current fare table must be displayed where it can easily be seen by passengers.

### **3.19 Taxi Checks**

Taxi checks are to be carried out a number of times, within a 12 month period, by the Council's Licensing Section to check vehicle/driver compliance and to ensure vehicle safety, between 6 monthly compliance tests.

These checks will be either mobile or in three hour slots and be carried out with partner agencies, such as the Police and DVSA.

When a licensed vehicle fails the check requirements with a DVSA (Categorisation of Defects Part 2: Passenger Cars, Private Buses and Light Goods Vehicles) "I" immediate prohibition or "D" delayed prohibition it will be automatically suspended from the time of issue until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

### **3.20 Security/CCTV**

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. CCTV

cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

Video surveillance systems are permitted to be fitted to the vehicle provided that:-

- The owner or operator notifies the council within 10 working days of the fitment of the system including details in writing as to the security, disposal and retention of the images recorded by the system.
- A warning notice is clearly displayed informing the public that such a system is in operation.

It is not proposed that measures such as CCTV cameras should be required as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. However installation of CCTV cameras in vehicles on a voluntary basis will require the operator to handle relevant data gathered in an appropriate and secure manner.

### 3.21 Replacement (Lease) Vehicles

Replacement vehicles must not be older than the vehicle it replaces and should have the same capabilities regarding wheelchair accessibility, i.e. a wheelchair accessible vehicle can only be replaced by another wheelchair accessible vehicle.

The temporary hackney carriage/private hire vehicle is required to be tested by a current approved garage(s) and an application for a temporary vehicle licence must be submitted to the Licensing Authority.

Magnetic signs may be allowed on a temporary lease car licensed by Charnwood Borough Council provided that the Council has given prior written approval.

The original plates must be returned to the Council.

Only drivers licensed by Charnwood Borough Council are permitted to drive vehicles licensed by this council.

### 3.22 Insurance

It is required that an **original** insurance document(s) must be shown **each** time a vehicle licence is issued (grant and renewal). Certificates of insurance (and listing of vehicles) will be accepted by email, sent directly from the insurance company. The insurance certificate/cover note will not be accepted if there is less than 7 days to its expiry.

This requires:

- A valid certificate of insurance or cover note confirming that insurance is in

place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.

- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward.
- The Council will not accept an insurance policy for a private hire vehicle that states or implies the vehicle is insured for public hire.
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity and before the cover note expires.
- If a larger company with 'an all vehicle certificate of insurance', the Council will require an up to date accompanying schedule directly from the Insurance company, listing all vehicles by vehicle registration, make and model and the type of licensed vehicle, i.e. Hackney or private hire.

### 3.24 Exempt Vehicles (Executive)

The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a Private Hire Vehicle. To exempt the vehicle from the usual plating conditions it must comply with the council's guidance and apply for an exemption.

The only vehicles allowed to be covered under this exemption policy will be 'executive type vehicles' \*

(\*the dictionary definition of "executive" is "designed for, used by, or suitable for executives.")

The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

A driver of an exempted vehicle will dress appropriately, either in uniform or in formal dress.

The type of work undertaken must be 'executive' in nature and under a contract for the hire of the vehicle for a **period of not less than 24 hours**. The vehicle identified in the written contract is to be used specifically for the company or person, type of client(s) who for security or personal safety reasons would not want the vehicle to be identifiable.

The Certificate of Exemption refers only to the vehicle identified in the certificate.

On applying for a Private Hire (Vehicle) Exemption the proprietor/operator of the vehicle must submit an 'application for exemption' and supply a copy of the contract supplied by the customer, requesting that the vehicle be unidentifiable as a licensed private hire vehicle, giving the reasons why.

An application for exemption with accompanying and current contract(s) must be submitted when the vehicle is first listed as exempt (licensed) and annually on each renewal of the vehicle licence and plate.

The Certificate of Exemption will remain valid for 1 year from the issue of the plate.

Records of hire must be produced when the vehicle license is applied for or at renewal.

The front and rear plate and Certificate of Exemption should be carried at all times in the vehicle, along with the plate brackets, and door signs.

The exempted vehicle will carry no identifying feature of any kind (company name, telephone number, etc.) which may identify the vehicle as a licensed Private Hire vehicle.

The exempt vehicle will only be exempt for the period it is being used to carry out the 'contracted work', e.g. for the company or individual identified in the contract /letter. For example if the vehicle is used for work outside of the written exempt contract, i.e. airport runs, the vehicle must display relevant livery, e.g. licence plates and signage.

The use of magnetic signs door signs will be permitted on exempt vehicles.

Failure to adhere to any of the Conditions will result in the vehicle exemption being **withdrawn**.

Charnwood Borough Council Licensing Section **must** be notified of any changes (including cancellation) to the contract or additional contracts gained during the lifetime of the exemption certificate.

Any exemption will be at the discretion of the Council.

### 3.25 Stretched Limousines

Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions. Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Act.

These requirements only apply to 'stretch limousines' i.e. a saloon type vehicle that has undergone an increase in length by extending its wheelbase after manufacture and can seat at least 6 but not more than 8 passengers

In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits and be approved for licensing as private hire vehicles subject to meeting all private hire licence requirements.

Vehicles with this license are exempt from certain of the licence and signage requirements. They may carry the front door Private Hire Signage, Signage or advertising for the rear window and/or additional signage on the front and/or rear doors of the "name" of the vehicle. They may choose to carry no signage, which would require an application for 'exempt' vehicle status.

Only stretched limousines complying with the requirements below will be considered for licensing as a private hire vehicle.

The vehicle must not be over 5 years old on first application for licensing.

DVLA V5 or equivalent shall be produced to authenticate registration.

Vehicles may be either left or right hand drive providing that they have proof of full Vehicle Type Approval.

The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.

The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).

A plate on the door pillar shall confirm the total weight of the vehicle.

Tyres fitted to the vehicle must be either 235/75R-15 108S (BF Load) OR 225/70R-16107T Town Car Limo Tyre (Reinforced) or other such tyres as deemed suitable by an independent engineer for this application.

No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

### **3.26 Funeral Vehicles**

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

### **3.27 Wedding Vehicles**

A vehicle does not need to be licensed while it is being used solely in connection with a wedding.

### **3.28 Wheelchair Accessible Vehicles**

Any vehicle that is capable of conveying a wheelchair user seated shall be:-

- Equipped with ramps or other equipment to permit wheelchair users safe access and egress from the vehicle.
- Equipment not permanently fixed to the vehicle shall be legibly and indelibly marked with their safe working load and the license number of the vehicle.
- Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion.
- Provided with suitable restraining devices to enable a wheelchair user to be safely and securely transported and to comply with legal standards.
- Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall be thoroughly examined and tested at least once in every period of 6 months and a copy of the current test certificate kept on the vehicle.

### **3.29 Convictions**

Drivers holding a licence who commits an offence or breach these licence conditions or certain of the vehicle licence conditions will be subject to the Councils Penalty Points scheme. New applicants for a licence will also be considered against the Enforcement, Convictions Scheme and Penalty Points Policy.

The driver/proprietor/operator of the vehicle must disclose in writing, full details of any conviction, Simple Caution, motoring offence and/or fixed penalty notice recorded against them within 10 working days of receiving any such action.

### **3.30 Change of Address**

Any proprietor/operator must notify the Council in writing, of any change in their name or address within 10 working days of any such change taking place.

### **3.31 Transfer of Interest in Vehicle**

If the proprietor/operator (seller) of a licensed vehicle transfers his interest in the vehicle to any other person whatsoever he shall give notice in writing of the transfer to the council, giving the name and address of the person to whom the vehicle has been transferred as soon as is practicable and in any case not later than 14 days, after the transfer has become effective.

### **3.32 Fares**

The Council has adopted the power, under Section 65 of the 1976 Act to fix the maximum fares for hackney carriages and under the Council constitution this is considered an executive function. The Head of Regulatory Services has delegated power to publish a notice but if there are objections received, which cannot be resolved, these are to be referred to Cabinet.

#### **Hackney Carriages**

Hackney Carriage Fares, set by the Council, are a maximum. The current tariff must be displayed where it can be seen easily by passengers.

Taximeters must be used to record the fare from, but not before, the start of a journey. Taximeters must not be started for disabled passengers requiring assistance before they are seated and secured.

The driver is responsible for ensuring that the seals of the taximeter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

A hackney carriage cannot charge more than the metered fare for a journey within the borough irrespective of how that was arranged (rank, hailed or pre-booked). Before the start of a hiring for a journey which ends outside the district, agreement can be made to pay an amount which is more than the metered fare, but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by the Council.

The Council may review Hackney carriage fare scales when requested by the Hackney Carriage Proprietors. The Council would follow the appropriate

procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976 in respect of consultation and advertisement of any variation of the fares.

When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.

Out of District journeys can be negotiated prior to the commencement of the journey in both Private Hire Vehicles and Hackney Carriages.

A table of authorised fares will be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

#### **Private Hire Vehicles with a meter**

Private Hire Operators may set their own fares, but if a meter is used the current fare chart must be displayed in each vehicle so that it is easily visible to all hirers.

Meters must be used to record the fare from, but not before, the start of a journey. Meters must not be started for disabled passengers requiring assistance before they are seated and secured.

Unless there is an agreement with the passenger before the journey commences, you cannot charge more than is shown on the Meter, at the end of the journey.

The driver is responsible for ensuring that the seals of the meter are intact whilst they are in control of the vehicle. Drivers must not use a vehicle where the seals have been broken.

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

If the charge is calculated from a tariff, a current fare/tariff table must be displayed where it can easily be seen by passengers.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

### **3.33 Application Procedures**

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for private hire and hackney carriage vehicles is set out in the application guidance at Section 6.

The vehicle licence application must be made to the Licensing section of the Council within 4 weeks (28 days) of the certificate of compliance; otherwise a further test will be required

### 3.34 Grant and Renewal of Vehicle Licences

Hackney carriage or private hire vehicle licences will be issued for a 12 month period from the date of grant.

Application forms, supporting information and appropriate fees should be submitted at **least 10 working days** prior to the expiry of the previous licence. Current MOTs and test certificate passes must be submitted no later than ten working days prior to the expiry of the existing licence. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a hackney carriage/private hire vehicle will be required to re-license with new plates and to meet all current conditions.

### 3.35 Enforcement

For vehicles the Enforcement, Convictions Scheme and Penalty Points Policy at Section 5 will be applied as part of the application process or for incidents occurring within the life of the licence.

### 3.36 Refuse to Grant/ Renewal

The Council may suspend, revoke, or refuse to renew a vehicle licence for any of the following reasons:

- (a) The vehicle is considered unfit
- (b) An offence has been committed by the proprietor or driver
- (c) For any other reasonable cause

Appeal against the suspension, revocation or refusal to renew a vehicle licence can be made to the Magistrates' Court.

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## Private Hire Operators Licence

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## Private Hire Operators' Conditions

### 4.1 Private Hire Operators

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current Private Hire Operator's licence. A Local Authority shall not grant a licence unless they are satisfied that the applicant is a 'fit and proper person' to hold an Operator's licence. A private hire operator's licence will be valid for five years.

In determining whether an applicant is 'fit and proper' to operate private hire vehicles and drivers in Charnwood, the Council shall have regard to (but not limited to) the following factors:

- Any previous convictions of relevance;
- The applicant's financial standing;
- The applicant's general character;
- The applicant's knowledge and experience of the private hire profession;
- The applicant understanding of his/her responsibility as a private hire operator and their commitment to abide by the terms and conditions of the private hire operator's licence.
- Immigration status (see Application Guidance at Section 6 re 'right to licence')

Only when the Council is satisfied on all these points will it consider granting/renewing a private hire operator's licence. However, before granting the licence the Council will have to be satisfied that the premises from which the applicant intends to operate is suitable.

When the Council is satisfied with the fitness of the applicant and the suitability of the applicant's premises then a private hire operator licence can be granted/renewed subject to standard terms and conditions plus any other special conditions which the Council deems necessary.

The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations, the role of the private hire operator is crucial. It is he/she who can set the standards expected by the Company and ensure that vehicle proprietors and drivers meet those standards and customer's expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.

The aim of the Council's policy is therefore to ensure that only persons who are honest, professional and committed to meeting the Council's high standards are

licensed as private hire operators in Charnwood. It is hoped that through this policy the Council, the private hire trade and ultimately the people of Charnwood will benefit from a high quality, professional private hire service.

## 4.2 Detailed consideration of 'fit and proper'

Every applicant (unless he/she is currently a licensed driver with the Council) will be required to;

- provide a Statutory Declaration; and
- Provide a Basic Disclosure from Disclosure and Barring Service (DBS) <http://www.gov.uk/basic-dbs-check> (if you need telephone or face to face support to apply on line, call the DBS helpline on 03000 200 190 or email customer [services@dbs.gsi.gov.uk](mailto:services@dbs.gsi.gov.uk))
- Immigration Status (This list can be found on the Councils Licensing Web page – 'Apply for a New Combined Drivers Licence.')

In respect of an application from a partnership, each and every partner will be required to submit a separate Statutory Declaration and Basic Disclosure check.

In respect of an application from a limited company, each director, company secretary and the person who is the manager of the private hire operation will be required to submit a separate Statutory Declaration and Basic Disclosure. In addition details of any convictions against the company will need to be submitted to the Council for consideration.

The Council will only accept a Statutory Declaration and Basic Disclosure relating to an individual that has been produced within the last 3 months. Further Statutory Declarations ~~will be required 3 yearly whilst and~~ Basic Disclosure's will be undertaken ~~annually, for anyone who is not a licensed driver with the Council, every 3 years.~~

The applicant must satisfy the Council that he/she is fit and proper to be granted a private hire operator's licence. Every applicant (unless he/she is currently a licensed driver with the Council) will be required to:

- Provide a Statutory Declaration
- Provide a Basic Disclosure Check
- Operators from other countries will be required to provide a Certificate of Good Conduct from the embassy of any country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.
- Undertake and Pass the Safeguarding Vulnerable Passenger Training before a licence is issued, the same as a new licensed driver. Details of the current 'Safeguarding eLearning Course' provider, recognised as suitable, to the satisfaction of the Head of Regulatory Services and the Licensing Manager, is listed within Section 6. Further information and the link by

which to access the course is available on the licensing pages of the Councils website.

Relevant original documentation to provide 'right to licence' (This list can be found on the Councils Licensing Web page – 'Apply for a New Combined Drivers Licence.')

The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driving licences. They are required to disclose all convictions, including those that would normally be regarded as spent. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

### **4.3 Previous Convictions**

In view of the significant responsibility held by private hire operators in terms of setting standards for their company, recruiting vehicles and drivers, and dealing with members of the public the Council believes that the operator must be a person of good character and should be an example to all those whom he/she employs or allows to drive on his/her behalf.

The Council therefore insists that applicants must at least fulfil the same requirements as applicants for private hire driver's licences in terms of being free from serious convictions. Serious convictions include any formal cautions. The Enforcement, Convictions Scheme and Penalty Points Policy, Section 5 will be applied to applicants with convictions.

### **4.4 Private Hire/Hackney Carriage Offences and Non-Compliance with Licence Conditions**

Any previous conviction that relates to an offence committed (in any licensed district) by the applicant while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and the application is likely to be refused or an existing licence revoked.

This includes any offence against the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. In addition, at the time of renewal of any private hire operator's licence, the Council will consider the applicant's compliance with the licence conditions. In cases where there have been minor breaches of the licence conditions, these will not usually prevent renewal of a licence but the applicant should be issued with a warning as to their future conduct.

In the case of more serious breaches of the licence conditions such as:

- where there is evidence of a repeated failure by the applicant to ensure that vehicles are maintained in a roadworthy condition; and/or

- there has been 2 or more (or 5% of the number of vehicles operated, whichever is the greater) convictions for plying for hire in any 12 month period of drivers working for an applicant and the applicant is unable to demonstrate that she/he has taken effective action to prevent such plying for hire then in such cases the Council will usually refuse to renew the licence.

This list is not exhaustive and should not be regarded as the only examples of serious breaches of the licence conditions.

## 4.5 Financial Considerations

Applicants for the grant of a licence must demonstrate that he/she is solvent, of sound financial standing and free from any past financial irregularities.

If the applicant has been declared bankrupt then an application will be refused or an existing licence revoked. An application will not be considered until their bankruptcy has been discharged.

If the applicant has been a director of a company that has gone into administration, then an application will usually be refused or an existing licence revoked. In cases where an applicant has been disqualified from being a director of a company, then an application will not be considered until their period of disqualification has expired.

## 4.6 General Character

As the person ultimately responsible for delivering a service to the public the Operator is expected to be a person of integrity. In particular the operator should be professional, amenable, decent and should display an even temperament at all times. Two character references will be required from persons of standing within the community or a professional person and who have known the applicant for at least two years. The person providing the reference must not be related to the applicant.

Persons from whom references may be provided include:

- Any person with professional qualifications (e.g. accountant, solicitor, teacher)
- Bank or Building Society Official
- Civil Servant
- Justice of the Peace
- General Practitioner
- Ministers of Religion
- Director or Secretary of a Limited Company ( not a fellow director at same company)

- Councillor (though not a Councillor sitting on the Appeals and Regulatory Committee).

The Council will carry out checks on persons who have acted as references in order to confirm their authenticity. References will not be required if the applicant already holds a hackney carriage or private hire driver's licence issued by the Council.

#### **4.7 Certificate of Good Conduct (residency outside the UK)**

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas.

Private Hire Operators (who are not a licensed driver with Charnwood) will be required to provide a Certificate of Good Conduct from the embassy of every country where they have been domiciled before entering the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

If an existing Private Hire Operator has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

Any New Applicant who has been granted or is awaiting a decision to be granted asylum or refugee status will not be required to produce a certificate from the country they are claiming asylum from; evidence of this must be provided. The NEW applicant will, however be required to obtain a certificate from any other country they have lived.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct.

#### **4.8 Experience/Knowledge of Private Hire Trade**

It is desirable for applicants to have a working knowledge of the private hire trade preferably gained in Charnwood as a proprietor, driver or operator. This will help ensure the applicant understands the Council's requirements (and can satisfy them) and should assist the Operator in establishing his/her business and in delivering the service required.

#### **4.9 Subcontracting**

Section 11 of the Deregulation Act 2015 allows private hire operators to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement, that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

#### **4.10 The Applicant's Premises**

The applicant's premises MUST be within the Borough of Charnwood. (Those based outside the Borough prior to this Policy coming into place in April 2017, continue to have grandfather rights to that agreement unless they let their existing operator's licence lapse). Any premises maintained by the applicant for a private hire operator's licence may require planning permission for that usage. It is advised that applicants seek advice of the planning authority prior to making an application for a private hire operator's licence or commencing the use of premises under such a licence.

The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premise as a private hire operator's base.

**Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.**

However if the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, before granting the operator's licence, a Licensing Enforcement Officer (s), will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

#### **4.11 Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit, premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment are maintained in a sound condition and that any defects are repaired promptly.

## 4.12 Processing the Application

Once a fully completed application form (including the fee) has been received by the Licensing Section accompanied by references and evidence of liaising with planning/planning approval (if necessary) any inspections or meetings, which are necessary, will take place between the applicant and the Licensing Enforcement Officer. Once the Licensing Enforcement Officer is satisfied that the applicant is a fit and proper person, the Licensing Section will issue the licence. The licence will last for 5 years.

The Licensing Sub-Committee will hear any applications referred as a result of using the Enforcement, Convictions Scheme and Penalty Points Policy (Section 5), concerns over financial irregularities or where the Licensing Enforcement Officer considers that the applicant is not a fit and proper person.

The Council will aim to process an application within 10 days of receipt if all the satisfactory additional supporting information has been received (e.g. subject access search/statutory declaration, references, planning consent, including financial etc.).

Successful applicants will have their licence granted by the Licensing Section subject to the standard terms and conditions plus any additional conditions which members may deem necessary.

## 4.13 Renewal of Licence

The Operator's licence must be renewed in the fifth year. The form, together with the appropriate licence fee and documentation must be submitted to the Licensing Section at least **10 working days** prior to the expiry of the current licence.

Providing there have been no serious breaches of the licence conditions in the lifetime of the previous licence then the licence will normally be renewed by the Licensing Section. If there has been a serious breach of the licence conditions then the application will be referred to the Licensing Sub-Committee for consideration.

If an existing licensee fails to renew their licence prior to its expiry, then the Council shall not renew the licence but the person/organisation concerned will have to submit a new application. Including a new Statutory Dec/Basic Disclosure check, and new character references which might mean you cannot work for a period of time.

The Council has power to revoke or suspend an operator's licence for any offence under, or non-compliance with, Part II of the 1976 Act, for any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence, for any material change in any of the circumstances of the operator on the basis of which the licence was granted.

#### 4.14 Conditions of Licence

If any of the conditions contained in this Licence are breached, penalty points may be awarded under Section 5 of the Policy, which may result in the suspension or revocation of the licence.

The Private Hire Operator must be aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation may also affect the operator business. For example, some of the provisions of the Town and Country Planning Act 1990 and the Health and Safety at Work, etc. Act 1974 may be applicable. The responsibility is that of the Operator to check the extent to which your business is affected by these provisions and comply with them.

The applicant will be expected to demonstrate an understanding of the standard conditions that apply to an operator's licence prior to a licence being issued. All Private Hire Operators licences granted by the Council are subject to the standard conditions. These must be complied with at all times and failure to do so may result in the Operator's licence being suspended, revoked or a renewal application being refused.

In addition to the standard conditions the Council may also impose specific conditions where it feels they are necessary. These could relate personally to the Operator or to the Operator's premises. As with the standard conditions the Operator is expected to comply with them at all times.

Authorised officers will carry out checks periodically on operators in order to ensure compliance with the licence conditions. If non-compliance with the conditions is identified then enforcement action will be taken in accordance with the Enforcement, Convictions Scheme and Penalty Points Policy. The results of these checks will be recorded and considered when an operator applies to renew the licence.

Licences are usually granted for **5 years** maximum or such period as decided by the Council. The Operator must advise us, in writing, during the life of the licence if;

- the number of vehicles within their company increase. Should the number of vehicles increase during the existing licence, a variation fee will be required (that of the difference between the existing vehicle numbers and the new vehicle numbers) and the remainder of the existing licence will be amended to reflect the increase.
- an owner driver of a private hire vehicle starts or leaves their business, where permission has been given to use their operator's licence.

## **Booking and Dispatch Staff**

### **Register.**

Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that has contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff, that have contact with the public and/or oversee the dispatching of vehicles, does not pose a risk to the public.

It is a condition of granting an operator licence, that you are required to keep an up to date register of all staff that will take bookings or dispatch vehicles.

### **Basic DBS Disclosure**

Any staff listed on their register of 'booking and dispatch staff' should have provided, as part of their employment contract, a recent Basic DBS Disclosure. These checks should be conducted on any individuals added to the register and are compatible with the company's policy on 'employing ex-offenders.

A record that the operator has had sight of a basic DBS certificate should be stated and retained for the duration that the individual remains on the register (the actual certificate itself should not be retained by the operator).

When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract to advise the operators of any convictions while they are employed in the role'.

Should a member of booking and dispatch staff leave and return a new DBS certificate is required and a record made that the new DBS certificate has been seen.

The register is required to be a 'living document' that maintains records of all of those in the role of booking and dispatch staff for the same duration as booking records are required to be kept, i.e. 6 months.

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Should they choose to outsource these functions they should require evidence that comparable protections are applied by the company to which they outsource their functions.'

#### **Employing Ex-Offenders Policy**

Every Private Hire Operator applicant, on applying and on renewal, will be required to provide a copy of their policy on employing ex-offenders in roles of 'Booking and Dispatch Staff'.

## **4.15 YOUR DUTIES AS AN OPERATOR**

### **4.15.1 Vehicles**

Each Private Hire Vehicle that is operated under the terms of the licence must be licensed by Charnwood Borough Council under the (Miscellaneous Provisions Act 1976) and be insured for the purposes of private hire or reward. The Council will not accept insurance for a private hire vehicle that states it has 'public hire' insurance.

You must do as much as you reasonably can to make sure that vehicles that you operate always meet the requirements of the Hackney Carriage and Private Hire Licensing Policy.

#### **PSV Vehicles and PCV drivers**

The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than 8 passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS.'

### **4.15.2 Drivers**

The Operator must only use drivers who are licensed by Charnwood Borough Council under the Act.

You must do as much as you can to make sure that drivers that drive vehicles operated by you, know and comply with conditions within the Hackney Carriage and Private Hire Licensing Policy.

You must do as much as you can to make sure that driver's that drive vehicles operated by you do not ply for hire or pick up or set down passengers at hackney carriage stands or anywhere that may cause an accident or an obstruction.

You must do as much as you can to ensure that drivers that drive vehicles operated by you are fit to drive.

#### **4.15.3 Radio**

The operator may require an appropriate licence if a radio system is in operation. The radio equipment that you operate must be properly maintained. It must comply with all Government guidelines regulating the use of such equipment and must not interfere with other radio or telecommunications equipment.

#### **4.15.4 Nuisance**

You must make sure that your business does not cause a nuisance to or annoy anyone who lives nearby your premises.

#### **4.15.5 Fares for vehicles with meters/taxi meters**

You must ensure that the fares table for the vehicle can be easily seen by passengers and send a copy of the fares table to the Licensing Officer. If you make any amendments or variations to the fares table, you must send a copy to the Licensing Officer within 7 days of such changes being made.

#### **4.15.6 Fares for Vehicles without Meters**

For private hire vehicles without meters, the passenger cannot be charged more than the charge agreed between the passenger and operator before the vehicle was hired.

You must ensure that the current tariff/fare table in a vehicle without a meter can be easily seen by passengers. If you make any amendments or variations to the tariff/ fares table, a copy must be sent to the Licensing Officer within 7 days of such changes being made.

If a Mobile App or other electronic device is used to set a tariff for the journey, then the means of setting that tariff should be visibly displayed in the vehicle.

### **4.15.7 Advance bookings**

When one of your vehicles has been hired in advance you must make sure that it does not arrive at the pick-up point late unless something unavoidable has happened to delay or prevent it from reaching the pick-up point.

### **4.16 Your licence**

#### **Name of the Company**

The Council must be satisfied that the proposed name of the applicant's company is suitable and does not conflict with existing licensed operators.

#### **Returning your licence**

The licence is the property of the Council and you must return it to the Council immediately if it is asked for or if you want to surrender it.

### **4.17 Records that you must keep**

#### **Operator's licence**

You must keep a copy of your Operator's Licence at the premises at all times.

#### **Bookings**

You or your staff must only accept bookings at the premises from which you are licensed to operate.

You must record the details about every booking made BEFORE the booked journey starts. The following must be recorded;

- the time and date of the booking;
- the pick-up and set down points;
- the time and date when the journey is to start;
- the name and, where possible, the address of the hirer;
- the plate number and/or the registration number of the vehicle which will be used; and
- the name and badge number of the driver who will drive the vehicle.
- the name of person taking the booking
- any other remarks, including details of any sub-contracting of the booking

If you operate from more than one premise's, a record of every booking must be kept available for inspection at each premise, regardless of which premises received the booking.

If the records are compiled on a computer then they must be capable of being immediately printed onto paper if requested by an authorised officer or police officer. Any records kept on computer must not be capable of retrospective alteration or amendment.

You must keep all these records for at least six months from the date that the booking was taken. If a police officer or an authorised officer asks you to keep these records for longer than this, then you must do so. Any such request must be made in writing.

Section 11 of the Deregulation Act 2015 allows private hire operators to sub contract to each other across licensing boundaries. This will allow operators to work more flexibly and potentially grow their businesses. The triple licence requirement that private hire operators are licensed within a district and must only use vehicles and drivers licensed by the same authority as their operator's licence, remains.

#### Vehicle details

You must keep the following details about each vehicle that you operate:-

- The name and address of the owner of the vehicle.
- The name and address of the person who holds the vehicle licence.
- The expiry date of the vehicle licence.
- The registration number of the vehicle.
- The make, type and colour of the vehicle.
- The Plate Number of the vehicle and
- A copy of the current insurance certificate for the vehicle

#### Driver details

You must keep the following details about each driver that you employ:-

- Their name and address.
- Their badge number.
- Their driving licence number and
- A copy of their licence to drive a Private Hire Vehicle.

### 4.18 Keeping the council informed

#### Changes in your details

Note: Once a licence has been granted, your circumstances may change and these may influence whether you are still eligible to hold a licence. **A Private Hire Operators licence is none transferable.**

You must inform the Licensing Section in writing within **Seven days** of the following changes in your circumstances:-

- Any criminal charges for driving or non-driving offences made against you during the currency of the licence.
- Any convictions for driving or non-driving offences during the currency of the licence.
- Any formal cautions for driving or non-driving offences during the currency of the licence.
- Any driving disqualification made against you during the currency of the licence.
- Any Mental Health Order imposed on you during the currency of the licence.
- Any Sexual Offences Order imposed on you during the currency of the licence.
- Any penalty points incurred on your DVLA driving licence.
- Any bankruptcy order or voluntary arrangement made against you.
- Any disqualification under the Companies Act 1985.
- Any winding up, administration, receivership or liquidation.
- Any County Court judgements.
- The vehicles that you use.
- Your home or the registered office address

Any changes in the following must be notified in writing to the Licensing Officer at least **fourteen days** in advance of such changes:-

- Change of its telephone number.

The applicant must submit details of every telephone number proposed to be used in connection with the Operator's business. If the Council believes that any of the numbers proposed conflict with those of existing operators and could therefore confuse members of the public, then the applicant will be advised that those numbers cannot be used and must abide by this decision if the licence is to be granted. Any new telephone number must not be used until the Council has granted written approval to the operator to do so.

- Change of company name

The operator shall apply in writing to the Council if he/she wishes to change or add to the name of his/her Company. Any new name must not be used until the Council has granted written approval to the operator.

Any changes in the following must be notified in writing to the Licensing Officer at least **twenty one** days in advance of such changes:-

- The ownership of the business including dissolution of any partnership

Where there is a change in the ownership or controlling interest of the company, notification must be made to the Council at least **twenty-one days** in advance of the proposed change. The new owner or responsible person is required to submit an application for an operator's licence (whether or not the operating name remains the same). The application will be determined in accordance with this Policy.

Failure to give the Council adequate notice of any change in ownership may mean that the business cannot continue to operate until the Council is satisfied that the new owner is a 'fit and proper' person.

#### **Change of Premises/Additional Premises**

Please be aware that although not all premises maintained by the applicant for a private hire operator's licence will require planning permission for that usage. It is advised that applicants liaise with the planning authority prior to making an application for a private hire operator's licence or commencing the use of a premise under such a licence

The grant of an operator's licence does not override the requirement for planning permission to allow the use of a premise as a private hire operators base

**Premises failing to obtain or comply with planning permission where required may be liable to planning enforcement action.**

The applicant's premises **MUST** be within the Borough of Charnwood. Subject to approval being granted, the address of the new premises will be noted and a new licence will be issued on request.

#### **Losing your licence**

If the Private Hire Operators licence document is lost, the Council must be informed in writing as soon as practicable. A fee is payable for a replacement.

### **4.19 Complaints**

If the Council receives any complaint regarding the conduct of the private hire operator, the staff or the drivers you must co-operate with the investigation and provide such reasonable assistance to the Licensing Officer or the Enforcement Officers as requested.

All persons making a complaint to the Operator shall be informed of the telephone number and address of the Council.

## **4.20 Accidents/Damage to vehicles**

If one of the vehicles which you operate is damaged and the damage affects the safety of the vehicle, its performance, appearance or its comfort and convenience to passengers, then you must let the Council know as soon as possible and no later than three days (72 hours) after the damage has occurred. An authorised officer or a police officer can suspend the vehicle licence until the damage is repaired to the satisfaction of the authorised officer or mechanics authorised by the Council to test the vehicle.

## **4.21 Authorised officers**

### **Production of documents**

An authorised officer or a police officer can, at any reasonable time, ask to see your licence, or any of the records that you are required to keep and which are detailed in this section.

### **Obstruction of authorised officers**

If you deliberately obstruct an authorised officer or a police officer or fail to comply with any request made by such an officer without any good reason you can be prosecuted. You can also be prosecuted if you tell an authorised officer or a police officer anything, which you know is not true when you are being questioned by them.

## **Enforcement, Convictions Scheme and Penalty Points**

Taxi Stds Draft Policy

## Enforcement, Convictions Scheme and Penalty Points

### 5.1. Introduction

The purpose of this section of the Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a hackney carriage /private hire driver or private hire operator's licence.

Whilst criminal convictions play a significant part in the Council's determination as to whether an individual is 'fit and proper', the Council will also take into account other factors such as demeanor, general character, non-criminal behavior, driving abilities and other information from other bodies such as the Police.

This Policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of licence.

The overriding aim of the Council in carrying out its licensing function is to protect the safety of the public.

The Council is concerned to ensure

- That an applicant is a fit and proper person, which would include the following;
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- The safeguarding of children and young persons and the vulnerable

**Each case will be considered on its individual merits and, in exceptional circumstances the Council may depart from the guidelines.**

The sanctions that are available to be applied are to suspend, revoke, and in the case of a grant or a renewal application, refuse to renew the licence.

In addition, where a licensed driver accumulates 6 or more points on their DVLA driving licence, the Council may require the driver to undertake a further practical driving test as an alternative to attending a Licensing Sub – Committee hearing at which their fitness to continue to hold a licence would be considered.

### 5.2 General policy

A person with a conviction(s) need not be automatically barred from obtaining or retaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; and/or

- Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

In the case of new/existing licence holders, the Council, will take into account the Enforcement, Convictions Scheme and Penalty Points Policy in respect of whether a licence would be granted/renewed.

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a licence.

**Where an applicant or existing driver/operator has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction.**

### 5.3 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied that they are a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court

#### Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if, amongst other things, there is any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a pattern of repeat offending.

### 5.4 Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- 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
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licences are required to notify the Licensing section, within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. All other offences must be declared to the Licensing Section at least within 10 working days of the offence. ~~are required to notify the licensing authority in writing immediately or within 10 working days at the latest of receiving a driving licence endorsement, fixed penalty notice or criminal conviction or caution.~~ Where a licensed driver accumulates 6 or more points on their DVLA drivers licence, consideration will be given to requiring the driver to undertake a further practical driving test.

Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Council on 01509 634562 and asking to speak to the licensing section in confidence for advice.

The Council conducts enhanced disclosures from the Disclosure Barring Service (DBS) of any applicant for a driver licence. The Council follows the DBS's Code of Practice on the fair use of disclosure information

Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

More information about the Disclosure Barring Service can be found by searching for Disclosure and Barring Service at [www.gov.uk](http://www.gov.uk)

The Council is entitled to use other records and information that may be available, in determining applications or an entitlement to continue holding a licence.

It is an offence for any person to make a false declaration or to omit any material, particular in giving information required by the application for a licence, and /or will normally result in a refusal.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may

also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a fit and proper person.

## 5.5 Convictions

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted;

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

### **Dishonesty**

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Drugs**

Where an applicant has any conviction for, or related to, the supply or production of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed

### **Motoring convictions**

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

### **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Other motoring offences**

A **minor** traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A **major** traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Hackney carriage and private hire offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Vehicle use offences**

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **5.6 Licences issued by other licensing authorities**

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

## **5.7 Summary**

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability as a fit and proper person to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

## 5.8 Road Traffic Offences

The Courts can fine you and 'endorse' your driving record with DVLA penalty points if you're convicted of a motoring offence. The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. (Accurate at time of document)

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
<b>Disqualified Driver</b>		
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
<b>Construction and Use Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3

CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3 to 6
<b>Reckless/Dangerous Driving</b>		
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
<b>Drink</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
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	3 to 11
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	10
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
<b>Drugs</b>		
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6 to 8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	6

<b>Motorway Offences</b>		
MW10	Contravention of special roads regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6
<b>Traffic Direction &amp; Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' signs	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	Shows disqualification under 'totting-up' – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3 to 11
<b>'Mutual Recognition' Codes</b> – These will appear on your driving record if you're disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.		
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)	
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)	
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	

#### **Aiding, abetting, counselling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

#### **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

### Inciting

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

### Non-endorsable offences

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification. At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

### Period of time

Periods of time are signified as follows: D=Days, M=Months, Y=Years  
Endorsements remain on a licence for the following periods of time.  
Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed . Or 4 years from the date of offence in all other cases.

Source [www.direct.gov.uk](http://www.direct.gov.uk)

## 5.9 Penalty point scheme

### Introduction

The purpose of this policy is to provide guidance on the application of the penalty points system.

The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from a dishonest person
- The safeguarding of children and young persons and the vulnerable

### General policy

There may be occasions where it is appropriate to depart from the guidelines, for example where there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

Penalty points will be applied by the Council when satisfied that a breach has been identified by means of written notice being given to the licensee setting out the number of points that have been applied.

Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the date of the decision. Any penalty points that are awarded will be recorded on the relevant computer record. Normally, the maximum tariff will be applied, but where there are mitigating circumstances, a lesser number of penalty points may be issued.

Where an individual licensee reaches 12 penalty points, in a rolling **36 month period**, the matter will be referred to the Council's Licensing Sub Committee for the Committee to consider that licensee's continued fitness to hold a licence.

Penalty points may be removed from the record after **36 months** or following a Licensing Sub Committee hearing, where the Committee can decide to:

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

The aim of the scheme is to identify those licensees who repeatedly breach conditions or byelaws, and is not intended as punitive, until and unless an individual accrues the 12 points necessary, to require a Licensing Sub Committee hearing

### Appeals

Any licensee who is awarded penalty points has the right of appeal, in respect of the individual points, to the Head of Regulatory Services up to 10 days after the confirmation notice is received. The decision to be made will be to

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence

If a Licensing Sub Committee choose sanctions such as suspension, revocation, or refusal to renew (in the case of a renewal application), there is a right of appeal to the Magistrates Court.

### Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
1 Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	✓	✓
2 Failure to notify, in writing, the Council of a change of name and /or change of address within 10 working days	3	✓	✓
3 Refusal to accept hiring without reasonable cause e.g. drunk or rude customer	12	✓	
4 Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5 Plying for hire by Private Hire Drivers	9	✓	✓
6 Using unlicensed vehicle or vehicle without insurance	12		✓
7 Failure to produce relevant documents within timescale when requested by an Authorised Officer	4	✓	✓
8 Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
9 Failure to undergo the Interim Compliance Test	6		✓
10 Failure to provide proof of insurance cover when requested	6	✓	✓
11 Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	4	✓	✓
12 Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer	12	✓	✓

13	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
14	Failure to notify, accident or damage to a licensed vehicle within 72 hours of the occurrence if the damage would materially affect the safety, performance, or appearance of the vehicle or the comfort or convenience of passengers carried therein.	4	✓	✓
15	Carrying more passengers than stated on the vehicle licence	6	✓	✓
16	Failure to display external/internal licence plate or signs as required	4	✓	✓
17	Carrying an offensive weapon in the vehicle	12	✓	
18	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer/sale	4	✓	✓
19	Failure to carry fire extinguisher	4	✓	✓
20	Failure to display vehicle registration or plate number on fire extinguisher	3	✓	✓
21	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3		✓
21	Failure to use authorised roof light	4	✓	
22	Using an unapproved or non-calibrated taximeter	6	✓	✓
23	Obstruction of an Authorised Officer or Police Officer	12	✓	✓
24	Evidence of smoking in vehicle	3	✓	✓
25	Using an e-cigarette in a licensed vehicle	3	✓	✓
26	Evidence of food or drink in vehicle	3	✓	✓
27	Displaying any feature on Private Hire Vehicle that may suggest that it is a taxi	6		✓
28	Using a vehicle, the appearance of which suggests that it is a taxi	6		✓
29	Failure to carry an assistance dog without requisite exemption	12	✓	✓
30	Failure to give required mobility assistance	12	✓	✓
31	Driver not holding a current DVLA licence	12	✓	✓
32	Failure to wear drivers badge	4	✓	

33	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
34	Unsatisfactory appearance of driver	3	✓	
35	Failure to observe rank discipline	3	✓	
36	Failure to maintain proper records of Private Hire vehicle	3		✓
37	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
38	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
39	Failure to issue receipt on request	12	✓	✓
40	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	4	✓	✓
41	Unsatisfactory behaviour or conduct of driver	12	✓	
42	Failure to notify the Council, in writing, <a href="#">within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence, or any other offences, any motoring or criminal convictions</a> <b>within 10 working days</b> of conviction or cautions during period of current licence	6	✓	✓
43	Failure to behave in a civil and orderly manner	12	✓	✓
44	Failure to give assistance with loading/unloading luggage to or from any building or place	12	✓	✓
45	Failure to display fare card	3	✓	✓
46	Failure to carry manufacturer's original design of equipment to deal with punctured tyres and maintained in usable condition	4	✓	✓
47	Failure to attend punctually at appointed time and place without sufficient cause	4	✓	✓
48	A licensed vehicle with a defective tyre	4 per tyre	✓	✓
49	Failure to submit a licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓

50	Failure to comply with any other conditions	3	✓	✓
51	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in vehicle	3	✓	
52	Driving while using a mobile phone	12	✓	
53	Sounding your horn in a way to cause alarm, harassment or distress to others	3	✓	
54	Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded	6	✓	
55	Failure to comply with wheelchair requirements including provision of ramps and straps	4	✓	✓
56	Failure to hand in lost property to a police station	3	✓	
57	Failing to notify the licensing section without delay of being the subject of an investigation for other than a minor motoring offence. Such notification to be in writing.	6	✓	✓

Ticks indicate potential recipients of penalty points for infringements. N.B certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement; however each case must be determined on its own merits. Certain matters are specific to Hackney Carriages, Private Hire drivers or Private Hire operators.

Driving offences dealt with by other means, such as Fixed Penalty Tickets, or by court conviction do not fall into the scope of the penalty point's scheme normally; however, there may be occasions when such convictions will attract penalty points, an example being shown in 52, above, (use of mobile phone whilst driving).

Taxi Stds Draft Policy

**APPLICATION GUIDANCE**

Taxi Stds Draft Policy

## Application Guidance

This guidance includes information in respect of new drivers, renewal drivers and licensing a vehicle to be used as a private hire or a hackney carriage.

### 6.1 New Drivers

This guidance should be used by anyone wishing to obtain a combined Hackney Carriage/private hire vehicle driver's licence which will enable them to drive a hackney carriage vehicle or private hire vehicle licensed with the Borough of Charnwood. The licence is valid for three years.

**To be able to apply for a licence**, you must be;

- Able to read and write
- Have held a full driving licence (not a provisional) for at least 12 months
- Have a good knowledge of the Borough of Charnwood and surrounding areas
- You must be a fit and proper person
- Have the Right to Work in the UK.

### 6.2 National Register of Taxi Licence Refusals and Revocations ( NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

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

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for/being granted, a hackney carriage / PHV driver licence

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website at <https://ico.org.uk/>

### 6.3 Starting a New Driver Application

The Council operates a Contact Centre and Customer Service Centre who deal with the front line queries for Licensing.

An on line application form and supporting forms, the Councils Hackney Carriage and Private Hire Licensing Policy, guidance and sample knowledge test questions and guidance as to how to apply ,are available on the Licensing Pages (click on Business) on the Council Website , [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

#### **New Driver Application.**

To apply for a licence you need to follow the guidance on the relevant page of the the Council's Licensing Web Page - **Apply for a new Combined Driver's licence**. This guidance will give you the relevant links you need to follow for each step of the process.

It is recommended that you follow this guidance as it breaks the application down into simple step by step guide to help your through the application process.

Following these steps will help ensure your application is valid, complete and that you do not incur any unnecessary costs.

### **Step 1 – Knowledge Test.**

You must first successfully pass the knowledge test. Please ensure you read the guidance for the knowledge test found on the Council's Licensing Web Pages. Each applicant can have three attempts at this test. If you do not pass after three attempts you need to wait 12 months (from the date of most recent failure) before being allowed to retake it.

Once you have passed the Knowledge Test. A personalised certificate, which is valid for 2 years, will be posted to you along with a Disclosure Barring Service (DBS) application form and DVLA Mandate form (required for Step 3 of the process).

### **Step 2 – Make your Application.**

Once you have passed your Knowledge Test, you may submit your **online application**, via the link on the Council's Licensing Web Page - **Apply for a new Combined Driver's licence**. You will be asked to pay at the time of making the application.

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes and the Licensing Pages on Council's web site.

You must read the Licensing Terms and Conditions and Data Protection Protocol before starting your application.

**If your payment is NOT successful your application will NOT be valid and you will need to submit a new online application.**

### **Step 3(a) – Next Steps**

To complete this stage of the application you need to visit the Council Offices; Charnwood Borough Council, Southfield Road, Loughborough, LE11 2TX.

No appointment is necessary but we do recommend you get there before 4pm.

Please ensure you have read the guidance on the licensing web page - **Apply for a new Combined Driver's licence** as to what you need to complete and bring with you.

A summary of what you need to provide at this visit is listed below;

- Complete and pay for an Enhanced Disclosure Barring Service (DBS) application form and complete the DBS Privacy Policy declaration form.

You need to bring three valid forms of identification, as per the list provided on the website.

- Complete a DVLA mandate form, which includes your consent. You **MUST** bring your DVLA driving licence and a utility bill, less than three months old, if the address is not the same as that on the DVLA licence.
- Proof of your identity to support your Right to Licence, as per the list provided on the website.
- Certificate of Good Conduct(s) if applicable, less than three months old.
- A passport sized photo of you, this must be a clear head and shoulders shot.

**All documents provided MUST be original.**

**Your documents will not be accepted if incorrect and/or incomplete.**

**Once you have submitted the online application form, payment and completed all steps in 3(a) successfully, you need to carry out and provide the following;**

### **Step 3(b) – Requirements (to do List)**

- Sit and pass a safeguarding course with the Council's current provider
- Sit and pass a practical driving test with the Council's current provider
- Arrange for a Group 2 DVLA standard medical form be completed by your GP (such certification must be less than three months old).
- Your Enhanced DBS certificate, when available (such certification must be less than 3 months old) and submit BOTH certificate and a completed consent form to allow Licensing to access your DBS online account during the duration of your licence.

Any of the requirements listed in 3b) can be completed whilst you are waiting on your DBS and DVLA checks to be completed.

It should take no longer than three months from the date your Enhanced DBS certificate was issued, to carry out and provide everything we need or you will need to apply again for a new Enhanced DBS or further medical.

Any of these documents can be uploaded online (please keep your originals should they be requested). See **the Licensing Web Page - Apply for a new Combined Driver's licence** for the link to do this.

**All documents must be clear and legible.**

If you are unable to upload your documents for any reason, you can bring them to the Council Offices. No appointment is necessary.

**Step 4 – Outcome (Decision Made)**

Once the Council has received all of the above, we will use these to assess your fitness and suitability to be issued with a Combined Driver's licence. If your application has been unsuccessful you will be advised by letter to the address on your application.

The decision process can take up to 15 working days, which includes making your badge and licence ready for collection.

**Step 5 - Outcome (Badge and Licence)**

If you have been granted a licence, you will be notified by email, using the email address on your application.

You will need to collect your badge and licence from our Council Offices, details of when they will be ready for collection will be in the email. No appointment is necessary.

We will need to validate your identity at the time of collection; so, you need to bring your current valid DVLA licence. If you do not have a photographic DVLA licence you will need to bring some form of photographic identification along with your paper DVLA licence e.g. passport.

The DVLA licence **MUST** show your current address. If the address on your DVLA licence is not your current address, please contact DVLA (via the link on our web site) to get it changed. Your licence **cannot be issued** until your correct address is shown on your DVLA licence.

**6.4 Knowledge Test -Guidance and Best Practice for Hackney Carriage/Private Hire Drivers Licence**

In order to determine fitness to hold a licence, applicants for a driver's licence are required to pass a written knowledge test.

The purpose of this test is make sure that all applicants have a satisfactory knowledge of the Borough of Charnwood and surrounding areas, places of public interest and entertainment, major destinations such as hospitals, supermarkets etc. and the routes to nearby villages.

You will also be tested on your knowledge of the Councils licensing conditions, together with customer care basic numeracy, and the ability to read, understand and write English. Example questions, Terms and Conditions and further guidance are available on the Councils web site page- knowledge test.

The test will last one Hour.

The test consists of one paper split into three areas.

Pass marks on the test are 70% overall and you must achieve 50% on each section.

#### **When will I know the result?**

Applicants will be given the result of the written test within 5 working days.

A pass certificate valid for 2 years from the date of the test will be posted to you should you pass, along with instructions as to how to proceed with your application.

#### **What if I fail?**

If an applicant fails the written paper, they will need to retake the test and pay the appropriate fee at time of re-booking. Each test will contain different questions.

Should you not pass after three attempts you will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to re-take the Knowledge Test.

Should an applicant appear to be experiencing difficulty in completing the test Officers will seek to ascertain why. Facilities will be made available if an applicant is dyslexic for example, (provided medical proof is available) for the applicant to take the test with two licensing staff where the test is delivered verbally by one officer, rather than written, with the candidates answers being recorded by the second officer. If due to a language barrier, the applicant will be advised to seek a better understanding of English before continuing to re-sit the test, e.g. completing an English speaking course.

Knowledge tests are held once a month at the Council Offices. These dates can be found when booking via the web site. Applicants who fail to keep a test appointment or who arrive late will not be permitted to sit the test, the test fee will not be refunded and it will be treated as a failure.

To assist in preparation for the test, you are advised to study;

- The Council's hackney carriage and private hire licensing policy
- Street guides for the Charnwood Borough Area.
- Basic numeracy

- Knowledge Test Guidance -Customer Care
- Charnwood Borough Council – Bye-Laws Hackney Carriages.

#### **Best Practice/Advisory Notes for the Knowledge Test.**

Private hire vehicles must be booked via an operator. A private hire vehicle driver is not allowed to use his radio to book a customer a private hire vehicle. All bookings must go through the operator base and be made by the actual person wishing to hire the private hire vehicle.

Should you lose or misplace your hackney carriage/private hire driver's licence or your vehicle licence you need to report the loss to the Council's Licensing Section immediately and purchase a replacement.

Your **DBS** Check is required every **3 years** once you are a licensed Hackney Carriage/Private hire driver. The Council does accept criminal record checks from other organisational bodies, such as Leicester City, provided they are the original Enhanced and no more than 3 months old and have been processed in relation to the child and adult workforce employment position (as specified on the disclosure).

It is a condition of licence that **all** new and renewing drivers should subscribe to the **DBS Update Service**.

You cannot carry more passengers in the vehicle than the number specified on your vehicle licence plate and licence.

Before starting work a driver should check that the vehicle he/she is driving is safe, tyres, lights, seats, general maintenance, oil, windscreen wipers, wash fluid and that the vehicle is carrying all the required items under the Hackney Carriage/Private hire vehicle policy.

The driver should also check that he/she has both his/her hackney Carriage/private hire driver's licence badges with him/her and that he/she wears one at all times whilst working and displays the second on the dashboard of the vehicle.

A hackney carriage cannot charge more than the metered fare for a journey within the borough irrespective of how that was arranged (rank, hailed or pre-booked)

Before the start of a hiring for a journey which ends outside the district agreement can be made to pay an amount which is more than the metered fare but if no agreement is made only the metered fare can be charged.

Hackney carriage drivers, can when working, offer a discount on the metered fare (within or outside the district) as long as it is less than the hackney tariff set by Charnwood Borough Council.

Only a Charnwood licensed hackney carriage/private hire vehicle driver can drive Charnwood licensed vehicle. All signs on the hackney carriage/private hire must

be self-adhesive.

No magnetic signs are acceptable. Magnetic door signs may be used on an exempt vehicle. Magnetic door signs may be used on a temporary lease car licensed by Charnwood Borough Council, provided that the Council has given prior written approval.

As the driver of the vehicle you are responsible for securing a wheelchair passenger in a licensed vehicle.

### **Customer Care**

When carrying a disabled passenger, one of the most important things to do, is talk to your passenger to find out if any assistance is needed and if yes, provide it to the best of your ability.

If another motorist cuts across your path forcing you to brake, whilst carrying a passenger, the first action you should take is check that your passenger is safe and all right.

If a passenger requests a receipt you should write on the receipt, name of business, date, fare, where to and from and your signature as driver before handing it to them.

You should not carry a wheelchair in a hackney carriage vehicle sideways. 'Medical Devices Agency' states wheelchair users should not travel with the wheelchair sideways.

When you have a wheelchair passenger on board your licensed vehicle you should drive smoothly and progressively, avoiding sharp cornering, hard braking and sudden acceleration.

If you are requested to pick up a person from their home, on arrival, you should go to their door, as they may have hearing difficulties, mobility problems or be elderly and require your assistance.

If you arrive at your next pick up and you see that the passenger is in a wheelchair, which won't fit in your vehicle, you need to explain the situation to the passenger, contact your operator and request that a larger vehicle be sent as soon as possible. If a suitable vehicle is not available the operator will need to contact another operator and see if they have a suitable vehicle available.

You have taken your passenger by the most direct route to their destination and when you request the fare, the passenger states that they think you have overcharged them. You must assure the passenger that this is the correct fare by showing them the meter, ask for the fare to be paid and provide them with contact details of your operator and licensing authority should they wish to complain. You have a booking in the next 10 minutes from a home address and due to heavy traffic you are likely to be late. You should contact your operator and advise them that you are possibly going to be late and request they contact the customer and advise them of the facts.

Your next pick up is from a customer's house. You arrive at the house and it is in darkness and looks empty, what should you do? You should park the vehicle, go to the house and knock and wait for an answer.

You arrive at your pick up to discover that there are 5 passengers whilst your vehicle is only licensed for 4, what should you do? You should explain the situation to your passengers that your vehicle is only licensed for 4, and offer to call for a larger vehicle or a second vehicle from your operator. Contact your operator and explain the situation to them.

## 6.5 Practical Driving Test

The current provider for the practical driving test is 'Blue Lamp Trust (Services) Ltd' who for enquiries, can be contacted on 0333 700 0157, Monday to Friday 09.30 – 15.00. **All bookings should be made online. Please follow this link:**  
[https://www.bluelamptrust.org.uk/taxi\\_homepage/](https://www.bluelamptrust.org.uk/taxi_homepage/)

A summary of the requirements of the test are;

- approximately an hour in length,
- consist of a question and answer section
- involves a practical driving test, which will include specific manoeuvres.
- Proof of identification documents and your DVLA driving licence
- Eyesight test.
- Cost is paid by the driver and applicants deal directly with the provider(s)

The certificate received from the Blue Lamp Trust will be deemed valid for 12 months from the date of passing. This can be uploaded via the Councils web site.

The Practical Driving Test, the Councils Written Knowledge test, and Safeguarding Awareness Course **MUST** all be passed before a hackney carriage/private hire licence will be issued to you.

## 6.6 Criminal record check & Certificate of Good Conduct

### Disclosure and Barring Service (DBS)

A check with the Disclosure and Barring Service in accordance with the provisions of Section 47 of the Road Traffic Act 1991 will be required on initial application followed by subscription to the DBS Update Service, thereafter, to maintain your hackney carriage/private hire driver's licence. This will be made using the Disclosure & Barring Service and the driver will be responsible for any charge required by the service.

Before any grant application for a driver's license will be considered the applicant must provide a current (less than 3 months old) **enhanced** DBS disclosure.

The initial Disclosure on grant of licence has an expiry of three months and the applicant will incur additional cost if a further disclosure is required

### **DBS Update Service**

The DBS update Service is an online subscription that allows individuals to keep their enhanced DBS certificate up to date and allows regulators to check a certificate online. This subscription service allows taxi and private hire drivers licensing authorities (as a nominee with the individuals written consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in re-licensing. This costs less than a new DBS check and allows the Council to carry out the check immediately.

It is a condition upon the **grant of a new licence** that all drivers are required to subscribe to the DBS update service.

It is a condition of licence that **all existing drivers on renewing their DBS** after the introduction of this Policy in April 2020, are required to subscribe to the DBS update service.

All new and renewing Drivers **MUST** enrol on the DBS update service **within 30 days** of the date of their disclosure certificate.

The licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity – convicted or otherwise.

[All licensed drivers are required to maintain continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months.](#)

### **6.6.1 How to enroll on the DBS Update Service**

The Licensing Office must be able to say 'yes' to the following questions before carrying out a status check. If we answer 'no' to any question we can't carry out a status check:

- have you seen the applicant's original certificate?
- have you checked their ID to confirm their identity?
- do you have the applicant's permission?
- are you legally entitled to the same level of DBS certificate - standard or enhanced?
- does the DBS certificate only contain the exact workforce that you are entitled to know about for the role you are recruiting for? (This will be listed in the 'position applied for' section and will show which workforce has been used to determine the relevancy of any locally held police information which may appear on an enhanced DBS certificate.)

**The above means that you MUST provide your original DBS certificate at time of submitting your grant or renewal application. A verified copy will be taken and passed to Licensing along with a completed DBS Consent form .**

When Licensing carry out a status check we must provide:

- the name of our organisation
- our forename and surname
- the details of the DBS certificate being checked.
- the DBS certificate number
- the current surname of the DBS certificate holder as shown on their DBS certificate
- the date of birth of the DBS certificate holder in the format DD/MM/YYYY, as shown on the DBS certificate

All of this information will be taken from the original DBS certificate provided by you. Once written permission (a completed DBS Consent Form) is received from you we will then be in a position to check accordingly. You can also enroll when your certificate arrives by using your certificate number. **This must be done within 30 days of receiving your certificate**

It is compulsory to pay £13 online by credit or debit card to keep your DBS live and current for one year. If you wish to continue to be licensed with Charnwood Borough Council, you **must** renew with the Update Service every year at a cost of £13.

By selecting the option to automatically renew a subscription, the DBS will store your card details to take the £13 subscription on an annual basis.

It is your responsibility to ensure that those payment details remain current and valid i.e. if you change your payment card over the course of the year, the DBS will not be able to take your annual subscription. Where an annual subscription has not been renewed, a licensed driver will be expected to complete annually an Enhanced Disclosure and Barring Application on the anniversary of their licence and pay the appropriate fee.

#### **Renewing your subscription to the update service**

Subscriptions last for 1 year from the date of issue on your DBS certificate - you can keep renewing to continue enjoying the benefits of the update service.

Subscriptions to the update service expire 12 months after the issue date on your linked DBS certificate.

If you haven't opted to automatically renew you will need to log in to your account and make a payment within 30 days before your subscription ends. You'll get a reminder email 30 calendar days before your subscription is due to expire. The email will be sent from donotreply@dbs.gsi.gov.uk you should add this address to your safe senders or safe recipients list.

If your subscription has not been renewed 14 days before the expiry date the DBS will send you a reminder letter too. Your subscription must be renewed by the day before the subscription expiry date. You can't renew on the expiry date because the account will be closed.

If you lose your DBS certificate we will be unable to carry out an online status check; a DBS certificate should always be viewed alongside the result of a status check.

When you renew, the next year's subscription will start the day after your previous subscription expires.

### **Automatic renewals**

Automatic renewals are set up when you first join the update service, unfortunately you can't set this feature at any other point.

If you have opted to automatically renew you'll get an email from the DBS to explain that your yearly subscription fee of £13 will be charged to the original payment details you gave them. If your payment details have changed you can update them by logging in to your account and selecting 'Renew subscription'.

Any subscription that you have automatically opted to renew will continue to do so each year – you don't need to do anything else unless your payment details need updating. Once you select auto renewal for the update service it is not possible to switch it off unless you cancel your subscription because it is no longer needed. If you opted to renew but payment failed the DBS will email you and will try to take the payment again. If it fails a second time your subscription will not be renewed.

### **Cancelling your update service account**

#### **DBS helpline: Telephone 03000 200 190**

You can cancel your update service account at any time. DBS certificate(s) attached to the account will no longer be eligible to be checked online for status changes.

If you join the update service then wish to cancel your account the fee will be non-refundable. Your fee can only be refunded if you joined with your application form reference number and we didn't receive your application form within 28 days or your DBS check application is withdrawn.

Your subscription will continue even if all DBS certificates are removed from the account. If the subscription is not renewed at the end of the subscription period the account will close.

Any DBS certificate attached to a closed account will be removed and we will no longer be able to carry out status checks. If a subscription lapses you will have to apply for a new DBS check and then re-subscribe to the update service.

## 6.7 Certificate of Good Conduct (residency outside the UK)

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. This is in addition to the Enhanced DBS requirement.

Any driver who has lived abroad will be required to provide a Certificate of Good Conduct from the embassy of every country where they have lived other than the UK (after the age of 10 years old) which must be no older than 3 months at time of presentation. The Certificate of Good Conduct must be translated into English at the applicants own cost.

A licence will not be granted or renewed in the absence of a current Certificate of Good Conduct.

Where a person has spent three months or more, on active service, or any similar deployments abroad as a member of the British Armed Forces, then they will be exempt from the requirement to provide a Certificate of Good Conduct but will require a reference from a commanding officer authorised to provide the same.

If an existing driver has spent three continuous months (or more) living or on holiday overseas, the Council will need to see evidence of a criminal record check from the country / countries visited, covering the period that the applicant was overseas.

## 6.8 Safeguarding Awareness Training

Every driver **must** undergo Safeguarding Vulnerable Passenger Training before a licence is issued.

The Safeguarding eLearning Course is accessible via a link on the Councils website; see Apply for New Combined Drivers Licence web page.

Licensing would strongly advice that you read the FAQ Document in preparation for the course and following test.

The course consists of 3 twenty minute modules. You need to pass each module to pass the course successfully. On passing the complete course you receive a personalised certificate which you **MUST** email into the licensing section at [licensing@charnwood.gov.uk](mailto:licensing@charnwood.gov.uk)

Where an applicant, has undertaken a similar safeguarding awareness training course, written details must be provided of the course, along with written confirmation of attendance. The Head of Regulatory Services and the Licensing

Manager will consider the contents of both courses and whether the completed course is an acceptable alternative.

No licence will be issued without attending the course and satisfactorily passing the test.

## 6.9 Medical

The medical certificate must be produced to the Council, Should the medical certificate be returned to the GP due to an error the licensing section will notify you. It is your responsibility to ensure that a correct medical certificate is resubmitted in a timely manner to complete your application. Such certification must be less than three months old.

Holders of a Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licence, where the holder is able to produce proof of a current medical examination, less than 3 months old, which has been completed with their own doctor can use the same medical examination for his hackney carriage/private hire licence

If there is any doubt that a driver remains medically fit, the Council may require the applicant to undergo further medical examination at the applicants own expense.

No licence shall be issued until medical clearance has been established. A licence application will not be accepted / processed unless all elements of the application process have been completed.

### Insulin Treated Diabetes

You are reminded that a licensed driver is responsible for informing the licensing section of any changes to their health, which includes diabetes. The Group Two Medical form currently asks if a driver is treated with tablets carrying hypoglycaemia risk or insulin injections. **If the answer to either of those questions is yes the driver needs to;**

If diagnosed as requiring treatment **by injected insulin or tablets, carrying hypoglycaemia risk**, the driver will need to inform the Council as soon as possible and provide **written** confirmation (in addition to this medical report) from their Doctor or Diabetic Nurse/Consultant of;

- the date of being diagnosed;
- that there has not been any severe hypoglycaemic event in the previous 12 months ( the law defines 'severe 'as an episode of hypoglycaemia requiring the assistance of another person);
- the driver has **full** hypoglycaemic awareness;
- the driver must show adequate control of the condition by regular blood glucose monitoring(must use a glucose meter with sufficient memory to

store 3 months of readings), at least twice daily and at times relevant to driving ;

- the driver must demonstrate an understanding of the risks of hypoglycaemia and.;
- there are no other declaring complications of diabetes.

Licensees diagnosed as requiring treatment by insulin, or tablets carrying hypoglycaemia risk, will be required to submit to the Licensing Authority on an **annual basis** the following;

A medical report/letter from their doctor or Diabetic Nurse/Consultant confirming;

- (a) that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring assistance whilst driving ;and
- (b) the licensee has a history of responsible diabetic control, and is at minimal risk of a hypoglycaemic attack.

## 6.10 Renewal Applications for Drivers

A driver's licence is valid for 3 years. Approximately 8 weeks prior to expiry a renewal application form and reminder will be sent.

### Drivers Licences

Application forms, supporting documents and appropriate fees must be submitted at **least 10 working days** prior to the expiry of the previous licence.

To ensure that you are able to provide your DBS Certificate, you need to apply for your Disclosure Barring Service Certificate at **least 6 weeks** before your licence renewal is due. It is a condition of licence that on renewal you register for the update service which needs to be completed within **30 days** of the receipt of certificate. (see below)

A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy.

If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been issued and received. Any subsequent application will be treated as a new application and drivers will be required to meet the standards required of a new driver, including complete knowledge test and pay Grant fee.

On renewal you will need to bring the following with you;

- application form
- One passport photograph
- DVLA licence ( and a recent utility bill if the address on your driver's licence has recently changed)

- DVLA Mandate with consent.
- Disclosure & Barring certificate( until or unless subscribed with the DBS update service) and Certificate of Good Conduct (if required)
- Medical, Group Two requirement, form to be completed by own Doctor (see advice for above for diabetes if appropriate).
- Right to Work relevant Identification documents ( insert Home Office link)
- The appropriate fee – Debit or Credit cards or cheques payable to Charnwood Borough Council. **Cash payments are not accepted.**

### Application Form

The application form is intended to help you provide your personal details and guide you through the application process alongside these guidance notes.

### DVLA Licence

You need to provide your full driving licence (not a provisional licence) **each time you renew**. A copy of this licence will be taken on each renewal application and you will be asked to complete and submit the DVLA data protection mandate and consent.

### DVLA – Data Protection Mandate

This form is to be completed by an applicant, **IN BLACK INK**, to confirm his/her entitlement to drive. It must be filled in and signed in all cases by the driver. Forms not completed correctly or not signed will not be accepted and may delay your application.

Payment of the appropriate fee will need to be paid at the time of initial submission. The mandate lasts for 3 years.

The DVLA Mandate gives consent to the Council to check the applicant's driving licence record for three years.

With effect from the introduction of this policy 01.04.2020, the Licensing Section will check the applicants DVLA record annually and the appropriate fee will be paid for 3 years at the start of the 3 year licence period.

### Criminal record check & Certificate of Good Conduct

#### Disclosure and Barring Service (DBS)

All renewing Drivers **MUST** enrol on the DBS update service **within 30 days** of the date of their disclosure certificate if not already done so.

The licence may be suspended or not renewed unless the licensing section has the means of checking for criminal activity – convicted or otherwise.

Details of how 'How to enroll on the DBS Update Service' is included earlier in this section under New Drivers at Point 6.5.1.

[All licensed drivers are required to maintain continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months.](#)

## 6.11 Vehicles

### Grant and Renewal of Vehicle Licences

Hackney carriage or private hire vehicle licences will continue to be issued for a 12 month period from the date of grant.

The vehicle licence application must be made to the Licensing Section of the Council within 4 weeks (28 days) of the certificate of compliance; otherwise a further test will be required.

Application forms, supporting information and appropriate fees should be submitted at least **10 working days** prior to the expiry of the previous licence.

Current MOTs and test certificate passes must be submitted no later than 10 working days prior to the expiry of the existing licence.

A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. If the licence is not renewed before expiry a hackney carriage/private hire vehicle will be required to re-license with new plates and to meet all current conditions.

When applying for a new vehicle licence or renewal of the vehicle licence the application **must** be accompanied by the following original documentation;

- A Registration document (V5) in the applicant's name or an equivalent V5C on the DVLA demand scheme for fleet vehicles; or
- A finance agreement in the applicant's name, identifying the subject vehicle;\* (This will only be accepted for a new vehicle put on the road in the first year, after that a registration document in your name must be produced, otherwise the vehicle application will not be accepted);  
or
- A properly completed business/traders receipt of bill of sale, clearly identifying the vendor, the purchaser (who should be the applicant) and the subject vehicle.\* (Again, this will only be accepted for a new vehicle put on the road in the first year, after that a registration document in your name must be produced, otherwise the vehicle application will not be accepted);

(\*For occasions where the vendor sends the registration document to the DVLA, upon the purchase of the vehicle).

**Handwritten receipts purporting to be from the vendor of the vehicle following a private sale will not suffice. It will be the applicants' responsibility to ensure that the proof of ownership or lawful possession meets the requirements above at the time of making the application; otherwise the application will not be accepted.**

- Original Certificate of Compliance issued by the Garage(s)
- Current original certificate of Insurance or Cover Note. No faxes or photographs will be accepted. A certificate of insurance will be accepted if emailed directly from your insurance company. The Insurance Cover will not be accepted if there is less than 7 days to its expiry.
- The appropriate licence fee Debit or Credit cards or cheques payable to Charnwood Borough Council. **Cash payments are not accepted.**
- In the case of a private hire vehicle, where the owner does not hold his own private hire operator's licence, **an operator authorisation form**, signed by the private hire operator.
- In the case of a Hackney Carriage Vehicle, the original taxi meter calibration certificate issued and if a private hire vehicle with a meter fitted, the original meter calibration certificate.
- Private Hire Exemption Certificate and annual contract letters ( if applicable)

On the occasion of a lease vehicle being supplied and licensed by an insurance company or their agents, the application will be made by the applicant (driver) with the owner of the vehicle shown as the leasing company. The driver must be the named driver on the insurance document.

When submitting renewal applications, applicants should be aware that it may take up to **10 working days** to process and issue a licence. It may also take time to undertake any repairs necessary and retest a vehicle if it fails at the testing station. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until a NEW licence can be issued.

The vehicle shall be examined by such person or persons as may be from time to time appointed by the Council. The frequency of such examination and testing will not exceed three times in any period of twelve months. The tests will include checks upon compliance with standards set in this policy and the vehicle conditions and an MOT test.

### **Exempt Hire Cars**

The Council recognises there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a private hire vehicle.

This is covered in **section 3 at point 3.24**. On first establishing that this is the type of vehicle you wish to drive you need to contact the licensing section to request an application form.

The vehicle will undergo a test the same as that of a private hire but the driver must advise the testing station that it is to be used for Exempt Hire.

### **Vehicle Test for hackney Carriages/Private Hire Vehicles.**

All hackney carriages and private hire vehicles will need to undergo a Certificate of Compliance. These are to be carried out by an approved garage(s) listed in on the Council's website (insert link)

Vehicles should be booked in at least a minimum of 3 weeks prior to their vehicle plate/licence expiring. If driver/operators choose to leave bookings to nearer the expiry date they may not be able to be booked in prior to their vehicle's expiry date.

You will need to give the following details to the **garage** when booking your vehicle in for a vehicle test;

- Details of the Proprietor /Private Hire Operator
- Registration of vehicle
- Make and model of vehicle
- Vehicle Licence plate details (if an existing licensed vehicle).

On attending the vehicle test you **MUST** produce the following documents to the vehicle examiner;

- Meter calibration certificate (if meter fitted)
- V5 Document in the applicant's name or equivalent V5C and the DVLA demand scheme for fleet vehicles
- Vehicle insurance
- Private hire exemption certificate (if applicable).

The cost of the test can be paid by cheque, cash or card to the Garage itself.