



Licensing Committee Agenda

Wyre Borough Council
Date of Publication: 17 February 2021
Please ask for : Marianne Unwin
Democratic Services Officer
Tel: 01253 887326

Licensing Committee meeting on Thursday, 25 February 2021 at 6.00 pm via WebEx.

Members of the public will be able to view the meeting via the Council's YouTube page (<http://www.youtube.com/WyreCouncil>).

1. Apologies for absence

2. Declarations of Interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

3. Confirmation of minutes

(Pages 3 - 8)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 24 September 2020, attached.

To confirm as a correct record the minutes of the meeting of the Sub-Licensing Committee (members of this Sub-Licensing Committee only) held on 13 October 2020, attached.

4. Statutory Taxi and Private Hire Vehicle Standards

(Pages 9 - 56)

Report of the Corporate Director Environment.

5. Hackney Carriage and Private Hire Licensing Policy Review

(Pages 57 - 62)

Report of the Corporate Director Environment.

- (a) Draft Hackney Carriage and Private Hire Licensing Policy V06

(Pages 63 - 128)

6. Unmet Demand Survey

(Pages 129 - 140)

Report of the Corporate Director Environment.

This page is intentionally left blank



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held remotely on Thursday, 24 September 2020 Remote via WebEx.

Licensing Committee members present:

Councillors Cartridge (Vice-Chairman in the Chair), Sir R Atkins, C Birch, Collinson, Leech, Smith and Williams

Apologies for absence:

Councillors Robinson, George, Baxter and Armstrong

Other councillors present:

None

Officers present:

Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer
Niky Barrett, Senior Licensing Officer
Duncan Jowitt, Democratic Services Officer
Emma Keany, Democratic Services Officer

No members of the public or press attended the meeting.

11 Declarations of Interest

None.

12 Confirmation of minutes

The minutes of the meeting of the Licensing Committee held on 27 February 2020 and the meetings of the Licensing Sub-Committee held on 10 June 2020 and 30 July 2020 were approved as a correct record.

13 Licensing Act 2003 - Revision of Wyre's Statement of Licensing Policy

The Corporate Director Environment submitted a report asking members to agree the contents of the revised draft Statement of Licensing Policy.

Members asked a number of questions in relation to the regulations that had recently come into force in England that pubs and restaurants would have a 10pm closing time and the enforcement of conditions on takeaways relating to

sweeping up litter in the immediate vicinity.

The Senior Licensing Officer and Senior Solicitor confirmed that the new regulations take precedence over the premises licence and that, as the council, police and county council are all enforcing authorities for the new regulations, premises not adhering to the rules could be brought to the committee to have their licences reviewed. Similarly takeaways found to be in breach of the conditions of their licence could be penalised.

Decisions taken

The Licensing Committee agreed

- the draft Licensing Policy at Appendix 1 of the report.
- that the Senior Licensing Officer undertake a six week consultation with the trade and other relevant persons on the draft policy and in consultation with the Chairman, consider all the responses received and where appropriate, amend the draft policy, before presenting it to the next available meeting of full Council with a recommendation to adopt it with effect from 7 January 2021.

The meeting started at 6.00 pm and finished at 6.16 pm.

Date of Publication: 25 September 2020



Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Tuesday, 13 October 2020 by Remote Access via webex.

Licensing Committee members present:

Councillors Robinson, C Birch and Smith

Other councillors present:

Councillors Henderson and Le Marinel

Officers present:

Mary Grimshaw, Legal Services Manager and Deputy Monitoring Officer
Niky Barrett, Senior Licensing Officer
Duncan Jowitt, Democratic Services Officer
Emma Keany, Democratic Services Officer
Peter Foulsham, Democratic Services Manager
David Thow, Head of Planning Services

Also present:

Paul and Danielle Mellor, Applicant
Malcolm Ireland, Napthens LLP, Legal Representative of the Applicant

Four other members of the public - Teresa Cunliffe, Gary Jones-Boast, Vicky Jones-Boast and Ann Lee – also attended.

14 Declarations of Interest

The chairman, Cllr Robinson, declared a personal interest in item 16 as she knew a family member of the applicants, Paul and Danielle Mellor.

15 Application to vary a Premises Licence - The Cube, 2 Breck Road, Poulton-le-Fylde, FY6 7AA

The Corporate Director Environment submitted a report to provide members of the Licensing Sub-Committee with information to assist them at a hearing to determine an application submitted under section 34 of the Licensing Act 2003 by Cube Bar Limited, to vary a condition on premises licence PL(A)0342.

The Senior Licensing Officer said that this matter was before the Sub-

Committee because there were eight objections to the application (the “Representors”), relating primarily to public nuisance arising from noise from the venue. There had also been 41 representations in support of the application. All the representations were included at Appendix 3 of the report.

The Senior Licensing Officer informed the Sub-Committee that the Applicant wished to be allowed to use the beer garden until 22:00 every day as the current licence restricts the use of this area to 21:00.

The Senior Licensing Officer stated that, following discussions with Environmental Health Officers during the consultation period, the applicant had agreed to a number of additional conditions to be included in the operating schedule if the licence was granted. No other Responsible Authority had raised any objection to the extension of the operating hours for the outside area.

The joint applicants Paul and Danielle Mellor (the “Applicant”) were present in support of the application and the Applicant’s legal representative spoke on their behalf stating that the representations from the Planning Department did not constitute grounds to refuse the application and the only consideration should be whether the additional hours would increase nuisance. The Applicant and their legal representative then answered questions from the Sub-Committee.

The Sub-Committee also heard oral evidence by video link from:

- David Thow, Head of Planning Services, speaking on behalf of the council’s Planning Department, specifically in respect of the existing Planning restriction for the outside area allowing operation only until 6pm, which he said there had been no subsequent application to amend.
- Councillor David Henderson, a Breck Ward Councillor acting on behalf of two of the Representors, who stated that the Planning restriction on the use of the outside area until only 6pm had either been ignored or not fully understood and that several complaints about nuisance relating to the opening hours premises from the residents of Prudy Hill had been passed onto the Planning Department.

Two local residents also addressed the Sub-Committee: Vicky Jones-Boast spoke in objection and Teresa Cunliffe spoke in support.

In response to a question from the Sub-Committee, the Senior Licensing Officer said that only one complaint had been received by the Licensing Department and that had been shortly after this application had been made and was not regarding nuisance specifically from the beer garden. She also said that there were no police concerns and that issues in the beer garden had never featured in any crime logs.

Members retired to consider the application in closed session. The Licensing Sub-Committee then reconvened and the Chairman announced the Committee’s decision, as below.

Decision

After due deliberation, the Sub-Committee decided that a variation to a Premises Licence for The Cube, 2 Breck Road, Poulton-le-Fylde, FY6 7AA, be granted for the licensable activities as set out in the application on Thursdays, Fridays, Saturdays and Sundays, subject to the mandatory and default conditions prescribed in the Act and the proposed licence conditions offered by the Applicant and refused for Mondays, Tuesdays and Wednesdays.

Reasons for the Decision

The Sub-Committee noted that the objectors had raised similar concerns about the potential for increased noise nuisance should the variation to the licence be granted and acknowledged that due to the proximity of the dwellings to the beer garden that some noise from the beer garden was inevitable

However the Sub- Committee did not accept that there was a significant issue with noise nuisance in the area having regard to the fact that there had only been one complaint to the Licensing Authority in recent years and this had not related specifically to the beer garden. Further the Sub- committee noted that there had been no objections from Environmental Health who were the experts on noise as the applicant had agreed to a number of additional conditions to be included in the operating schedule that would help to mitigate noise from the beer garden.

The Sub- Committee also noted that the Police had not raised any concerns in relation to crime and disorder. In addition the Sub Committee did not consider the objection from the Planning Department to be of particular weight as it related to a planning matter regarding the opening times of the beer garden and accordingly was not a ground for refusing this application.

In reaching their decision, the Sub-Committee had regard to

- the Council's own Statement of Licensing Policy, particularly paragraphs 10.3 Conditions etc. 14.3 Prevention of public nuisance and 14.3.4 Beer Gardens
- the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular sections: 9.1, 9.3, 9.4, 9.37-9.40, 9.42-9.45 and 10.8-10.10,
- all the representations

and decided to grant the application in part which they considered was appropriate and proportionate based on an assessment of the prevention of noise nuisance to neighbours whilst also balancing the rights of the licensing premises to develop business potential.

The meeting started at 6.00 pm and finished at 7.42 pm.

Date of Publication: 15 October 2020

This page is intentionally left blank



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	25 February 2021

Statutory Taxi and Private Hire Vehicle Standards

1. Purpose of report

1.1 To inform Members of the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards which will necessitate a full review of the council's current Hackney Carriage and Private Hire Licensing Policy.

2. Outcomes

2.1 The Committee will be appraised of the contents and impact of the Statutory standards on Wyre's taxi licensing policies and procedures.

3. Recommendation

3.1 That the Committee note the report.

4. Background

4.1 The Secretary of State for Transport published the Statutory Taxi and Private Hire Vehicle Standards under section 177(1) of the Policing and Crime Act 2017, last summer (**Appendix 1**).

4.2 Section 177(4) of the Policing and Crime Act 2017 requires licensing authorities to have regard to the contents of the document when setting, implementing and reviewing policies and practices that underpin local taxi and private hire licensing regimes.

4.3 The Secretary of State indicated that Licensing Authorities are expected to implement these measures as soon as possible and that the Department for Transport will closely monitor progress, work with authorities not meeting their responsibilities and look to introduce legislation if licensing authorities fail to adopt the standards and update their operations.

- 4.4** The statutory standards carry significant weight and the recommendations contained in the document should be implemented, unless there is a compelling local reason not to.

5. Key issues and proposals

- 5.1** Many of the recommendations contained in the document are already in place, but some changes will be required to our policies and procedures to reflect the full extent of the guidance. The draft revised policy will be presented in a separate report.

- 5.2 Licensing policy (p.8).** Authorities should produce a ‘cohesive policy document’ that includes a convictions policy and local conditions. When formulating policies, the overriding objective must be to protect the public and policies should be reviewed every five years.

Wyre’s current policy was adopted in April 2018 and includes all of these elements.

- 5.3 Duration of Licences (p.9).** Authorities should not issue shorter licences on a probationary basis.

Wyre has on occasion issued a twelve-month driver’s licence to new applicants.

- 5.4 Whistleblowing (p.9).** It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.

Wyre’s Head of Governance produced a draft whistleblowing policy in November 2020.

- 5.5 Consultation (p.10).** It reiterates that it is good practice to consult widely when proposing significant changes to local licensing rules and that consultation should include passenger and trade groups.

Wyre Council already carries out full public consultation when reviewing existing policies using the consultation portal. Direct engagement with key stakeholders also features with any Licensing policy reviews.

- 5.6 Changes to policies (p.10).** These should be applied retrospectively to all licence holders.

Wyre’s convictions policies have never been applied retrospectively but the current policy does explicitly provide for decisions to be revisited where concerns about a driver’s conduct arise, which is still considered proportionate and appropriate.

The Licensing unit will undertake to review all licence holders against the new policy following its adoption, to identify if there are any existing drivers

who do not meet the new standards and refer any of concern to the Licensing Committee Chair for further consideration.

- 5.7 DBS update service (p.13).** Authorities should require drivers to subscribe to the DBS Update Service at their own expense.

Wyre introduced this requirement in 2018.

- 5.8 Common Law Police disclosures (p.13).** Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and being used. Action taken by the licensing authority as a result of information received from the police, should be fed-back to the police

Wyre has a very strong working relationship with the West Division Police Licensing team and occasionally receives information from other Lancashire police officers under the Common Law disclosures provisions.

- 5.9 Licensee self-reporting (p.13).** 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.

Wyre currently requires such notifications within 72 hours, but will lower this threshold to 48 hours in the policy review.

- 5.10 Referrals to the DBS (p.14).** 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.

Wyre will continue to do this where it is appropriate to do so.

- 5.11 Information sharing with other LA's (p.15).** Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority and if they have had an application refused, or a licence revoked or suspended by any other licensing authority. The National Anti-Fraud Network's NR3 should be used by Licensing Authorities to share details of refusals and revocations.

Wyre has required applicants to disclose this information this for many years and signed up to the NR3 register in 2019.

- 5.12 Multi-agency Safeguarding Hub (MASH) (p.16).** Authorities should establish a means to facilitate the objectives of the local MASH.

Wyre Council Licensing is represented on a number of Multi-agency working groups including GENGA which deals with serious and organised crime threats and WYSAG, the local Safety Advisory Group.

- 5.13 Complaints (p.17).** Authorities should have a robust system for recording complaints and analysing trends and provide guidance for people wishing to submit complaints.

Complaints about licence holders are now recorded on the licensing database and licence holders are referred to the Licensing Committee where appropriate. Information on how to complain is available on the council's website.

- 5.14 Certificates of Good Character (p.18)** Authorities should require certificates of Good Character from applicants who have lived overseas for an extended period of time.

Wyre introduced this requirement in 2018.

- 5.15 Decision Making (p.19).** There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation.

Suitable training is identified and made available to officers and members of the Licensing Committee. All training undertaken is recorded.

The council's constitution and scheme of delegation sets out the decision making framework and includes the delegation of power to officers to revoke or suspend licences where an issue gives rise to immediate concerns about public safety.

- 5.16 Fit and Proper test (p.21).** There is no statutory definition of what amounts to 'fit and proper' for the purposes of driver licensing but a suggested test is provided for which the threshold is 'the balance of probabilities'.

It clarifies that applicants should not be given the benefit of the doubt and if the panel is only "50/50" as to whether the applicant is 'fit and proper' they should not be given a licence. Included in the Annex are a set of minimum guidelines to inform a convictions policy.

The test is very similar to the one currently adopted by Wyre Council and the timescales and considerations of previous offending behaviour are broadly comparable with Wyre's current convictions policy, although both will be updated to fully reflect the guidance in the policy review.

- 5.17 Driver licensing (p.23).** Authorities should routinely check the DBS update service every 6 months.

Wyre currently aims to use the update service to check drivers annually, but will change this to bi-annually as part of the policy review and put in place measures to suspend licences where these checks are not able to be undertaken.

- 5.18 Safeguarding awareness (p.23).** Authorities should provide safeguarding guidance including how to respond and report concerns and where to get advice. Training should include 'County Lines' drug trafficking awareness.

All licence holders should be proficient in both oral and written English, so that they can understand policies and procedures and be able to converse with passengers.

Wyre implemented a comprehensive CSE training programme for all drivers in 2016. Safeguarding has formed part of the new driver knowledge test since then and county lines awareness was added in 2019. Wyre's test is only available in English.

- 5.19 Vehicle proprietors (p.26).** The guidance suggests that Authorities should require an annual basic disclosure certificate for each proprietor and company director.

Because the Hackney fleet is limited in Wyre, the majority of Hackney Carriage vehicle licences are held by a number of joint proprietors including companies. A requirement for a basic disclosure certificate for each and every proprietor or company director, who is not also a licensed driver, will increase the costs to the trade by £23 for each check, every year, as the update service is not available for basic checks.

Basic disclosures only contain information about 'unspent' convictions and the majority of offences that result in a simple caution (an increasingly common disposal method used by Police when dealing with offenders) are immediately 'spent' so would not appear on a basic check.

At the present time, it is not considered proportionate to place this additional burden on the trade, however the policy review includes a new fit and proper test for proprietors, to address the concerns raised in the guidance.

- 5.20 CCTV in vehicles (p.27).** The guidance suggests that Authorities consult to determine if mandatory CCTV would have a positive or negative net effect on the safety of passengers.

Wyre does not currently mandate CCTV in licensed vehicles, as there is no data to suggest that criminal activity is prevalent within the fleet. The Council will allow proprietors that wish to install it, to do so, as long as the installation meets the relevant legislation and national guidance.

- 5.21 Stretched Limousines (p.28).** Authorities should not exclude these from private hire licensing.

Although Wyre does not currently have any of these vehicles on fleet, it will accept applications and adopted a set of specific standards as part of the 2018 policy review.

5.22 Private Hire Operator’s criminal record checks (p.29). All operators who are not already licensed drivers should be subject to an annual basic DBS check.

Non-driving Operators are currently required to submit a basic DBS with each application for a five year operating licence. This will be changed to annually in the policy review and to further assist decision makers, the Council will also adopt a fit and proper test for Operators.

5.23 Booking and Dispatch staff (p.30). Licensing authorities should make it a condition of an operator’s licence, for a register of all staff who take bookings or dispatch vehicles to be kept. Operators should also require basic DBS checks for these staff.

This is not currently required by Wyre and will be changed in the policy review.

5.24 Record Keeping (p.31). The guidance suggests the minimum information that should be recorded when accepting a booking.

With the exception of the destination, Wyre already specifies these standards, but will update the condition in the policy review to include these elements.

5.25 Passenger carrying vehicles and their drivers (p.31). Authorities should prohibit the use of PSV’s by operators without the express consent of the booker.

This is not currently required by Wyre and will be changed in the policy review.

5.26 Enforcement (p.33). Joint authority agreements between authorities are encouraged.

Wyre has just started early discussions with Blackpool and Fylde Council’s licensing leads to explore this option.

5.27 Suspension and revocation of driver licences (p.33). The guidance clarifies situations in which revocations and suspensions may be used.

Financial and legal implications	
Finance	There are no financial implications directly associated with this report.
Legal	The Department for Transport has indicated that the recommendations contained throughout the document should be implemented unless there is a compelling local reason not to.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	19 January 2021

List of background papers:		
name of document	date	where available for inspection

List of appendices

Appendix 1 – DfT Statutory Taxi & Private Hire Vehicle Standards

This page is intentionally left blank



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices	8
Duration of licences	9
Whistleblowing.....	9
Consultation at the local level	10
Changing licensing policy and requirements	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service	12
The Disclosure and Barring Service Update Service	13
Common Law Police Disclosure	13
Licensee self-reporting	13
Referrals to the Disclosure and Barring Service and the Police	14
Working with the Police	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees	17
Overseas convictions	17
5. Decision Making	19
Administration of the licensing framework	19
Training decision makers.....	19
The regulatory structure	20
Fit and proper test	21
Criminal convictions and rehabilitation	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation	24
Language proficiency	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines	28
8. Private Hire Vehicle Operator Licensing	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping	31
Use of passenger carrying vehicles (PCV) licensed drivers	31
9. Enforcing the Licensing Regime	33
Joint authorisation of enforcement officers	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions	35
Annex – Disclosure and Barring Service information	37
Annex – CCTV Guidance	38
Annex - Staying Safe: Guidance for Passengers	40

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 ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	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.



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	25 February 2021

Hackney Carriage and Private Hire Licensing Policy review

1. Purpose of report

- 1.1 To submit the draft revised Hackney Carriage and Private Hire Licensing Policy, **Appendix 1** to members for amendment and/or approval, before beginning a formal consultation.

2. Outcomes

- 2.1 Finalise the draft revised policy and begin a full consultation exercise with the trade, the public and other relevant parties.

3. Recommendation

- 3.1 That the Licensing Committee amend and/or agree the draft Hackney Carriage and Private Hire Licensing Policy.
- 3.2 That the Senior Licensing Officer begins an eight week consultation with the trade and other relevant persons on the draft policy.
- 3.3 The outcome of the consultation to be reported back to the Committee in due course, to consider all of the responses and whether it is appropriate to amend the draft policy, before adopting it.

4. Background

- 4.1 The Secretary of State for Transport has published the long awaited Statutory Taxi and Private Hire Vehicle Standards under section 177(1) of the Policing and Crime Act 2017.
- 4.2 Section 177(4) of the Policing and Crime Act 2017 requires licensing authorities to have regard to the contents of the document when setting, implementing and reviewing policies and practices that underpin local taxi and private hire licensing regimes.

5. Key issues and proposals

5.1 Wyre's current policy and practices have been benchmarked against the recommendations contained in the document and a revised draft policy has been produced that incorporates the majority of recommendations, which are highlighted throughout the draft policy and its appendices in yellow, for ease of reference.

5.2 The draft policy also contains some additional revisions, highlighted in blue, that are not specifically required by the new Statutory Standards, but which address some local matters that have arisen following the adoption of the current policy in 2018, and which are explored further in this report.

5.3 "3.4.2 Applications from holders of a full driving licence issued by a country outside the UK, may be considered in accordance with any provisions contained within National agreements."

This is necessary following Brexit. Previously, European driving licences including those issued in the European Economic Area were acceptable forms of proof of the applicant's legal right to drive within the UK.

5.4 "3.5.2 EU, EEA or Swiss nationals continue to have the right to work in the UK until 30 June 2021. After that date they will be required to demonstrate any ongoing right to work in the UK, under the EU Settlement Scheme."

Again, this is necessary following Brexit.

5.5 "3.9.3 Medical certificates are required every three years for drivers under the age of 65 and then annually for drivers 65 or over, to run concurrent with their licence."

This was agreed by Committee on 29 November 2018 (minute LIC.40 refers) and implemented in April 2019.

5.6 "3.9.4 Certificates must be completed by the driver's own GP practice, or where this is not possible, with another practice, subject to the prior approval of the Licensing Officer. The certificates must have been issued no earlier than 6 weeks before the application is submitted."

This amends the current policy requirement that all medicals "must be completed by the applicant's own GP", to permit some flexibility where applicants are unable to see their own GP for the required medical. It retains the Authorities confidence that the certificate has been produced by a GP with full access to the patient's medical records and has assessed that person in a face to face consultation, which will be confirmed by the Licensing Officer before consent is given to use an alternative provider.

5.7 "3.10.4 Licensed drivers, who allow their licence to expire, must apply for a new licence and satisfy all of the requirements in force at that time on a new driver, unless agreement has been obtained from the Licensing Officer

prior to the expiry date, to exclude the requirement for them to pass the knowledge test.”

Historically Wyre allowed a blanket six-month grace period for drivers who allowed their licences to lapse. This was reduced to one month in 2018 with a view to removing the grace period completely at the next policy review.

The proposed condition removes the grace period, but provides some discretion for officers to exclude the requirement to re-take the knowledge test where for example, the individual has not been subject to any complaints or concerns whilst previously licensed.

As a result of the pandemic, a considerable number of experienced and competent drivers have intentionally allowed their licences to expire, as they have been shielding or otherwise unable to work and this amendment will allow officers to dis-apply the requirement for the applicant to retake the knowledge test on a case by case basis.

- 5.8** “3.10.9 Failure of a third test would indicate that the applicant is not fit and proper and a minimum period of 6 months must elapse before the applicant would be eligible for any further attempts.”

This amendment extends the period from 4 weeks to 6 months to discourage applicants from attempting repeated tests without undertaking the necessary learning to be able to demonstrate their competency.

- 5.9** “3.12.2 - Wear uniform clothing issued by any other business, except the provider of Hackney Carriage or private hire services associated with the vehicle being used.

The trade may accept bookings to deliver goods, including food, which does not involve the carriage of passengers. This amendment seeks to reassure the public, that those driving licensed vehicles cannot be mistaken for other delivery services that are not subject to the same degree of background checks that Wyre licensed drivers are.

- 5.10** “4.3.8 New or replacement vehicles being presented for a licence must meet the following minimum emissions standards.

Euro 4 emission limits (petrol)

CO – 1.0 g/km

HC – 0.10 g/km

NOx – 0.08

PM – no limit

Euro 6 emission limits (diesel)

CO – 0.50 g/km

HC+ NOx – 0.17 g/km

NOx – 0.08 g/km

PM – 0.005 g/km

PM – 6.0×10^{-11} g/km

4.3.9 Where an existing vehicle licence is temporarily transferred to another vehicle due to accident or collision damage or mechanical failure whilst repairs are undertaken, the requirements of 4.3.8 will not be applied to the original vehicle when it is presented for re-licensing.”

Wyre Council does not operate an age policy for the vehicles it will licence.

In 2019, the Council was part of a successful joint bid to the Ultra-Low Emission Taxi Infrastructure Scheme, to secure funding to install a number of rapid charging points across the Borough, for the exclusive use of licensed vehicles.

Unfortunately, the impact of the pandemic has delayed the installation of these at the four locations identified during the Evolve project, but work should be completed this year.

Part of the bid process required Authorities to give a commitment to introduce higher standards for licensed vehicles in order to reduce emissions levels.

This amendment addresses that commitment by introducing emission standards for new vehicles coming onto the fleet, whilst giving existing proprietors time to plan for the increased cost of replacement vehicles when their current ones are no longer fit for service.

- 5.11** “5.1.2 Every 3 years the Council will normally undertake a survey to establish if there is any significant unmet demand for Hackney Carriages, which it would need to address either by increasing the limits, or delimiting Hackney Carriage numbers.”

It has always been open to the Council to delimit Hackney carriage numbers and this amendment merely reflects that ability in the wording of the policy.

- 5.12** The review also proposes to relax the historically prescriptive conditions attached to Hackney Carriage and Private Hire Vehicle licences in respect of the size and location of advertising permitted on vehicles and replace them with the following:

All signage or livery displayed on or in a licensed hackney carriage vehicle must relate only to the provision of hackney carriage services by that vehicle, or be otherwise prescribed in law and must be professionally prepared and printed and maintained in good order.

All signage or livery displayed on or in a licensed private hire vehicle must relate only to the Private Hire Operator, or be otherwise prescribed in law and must be professionally prepared and printed and maintained in good order.

Finance	There are no financial implications directly associated with this report.
Legal	The current policy was adopted in 2018 and is subject to periodic reviews at least every five years. The Department for Transport issued the Statutory Standards document last summer along with a requirement to review and revise policies and practices to implement the new standards unless there is a compelling local reason not to. Once adopted members must have regard to the revised policy when determining private hire and hackney carriage applications. However, the policy is not immutable, and every case should be considered on its own merits.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	29 January 2021

List of background papers:		
name of document	date	where available for inspection

List of appendices

Appendix 1 – Draft Hackney Carriage and Private Hire Licensing Policy V06

This page is intentionally left blank



Hackney Carriage and Private Hire Licensing Policy



Contents

Introduction.....	5
1. Objectives	5
2. General Matters	6
2.1 Legislation	6
2.2 Sharing of Information	7
3. Dual Licensed Drivers	7
3.1 Fit and Proper.....	7
3.2 Duration of Driver’s Licences.....	7
3.3 Age Restrictions on Drivers	8
3.4 Entitlement to Drive in the UK.....	8
3.5 Entitlement to Work in the UK.....	8
3.6 Disclosure and Barring Service checks	8
3.7 DBS Update Service.....	9
3.8 National Anti-Fraud Network.....	9
3.9 Medical Fitness.....	10
3.10 Local Area Knowledge Test.....	10
3.11 Safeguarding and Child Sexual Exploitation (CSE) training	11
3.12 Dress Standards.....	11
3.13 Alcohol and Tobacco products	12
3.14 Dual Driver Conditions	12
3.15 Application process	12
4. Hackney Carriage and Private Hire vehicles.....	12
4.1 Proprietors	12
4.2 Duration of Licences	12
4.3 General.....	13
4.4 Bodywork.....	14
4.5 Windows	14
4.6 Roadworthiness.....	14
4.7 Insurance.....	15
4.8 Wheelchair Accessibility	15
4.9 Passenger numbers.....	15
4.10 CCTV	15
4.11 Application process	16
5. Specific additional requirements for Hackney Carriages.....	16
5.1 Restrictions on the issue of Hackney Carriage Licences.....	17
5.2 General.....	17
5.3 Taximeters.....	17

5.4	Intended Use	17
5.5	Hackney Carriage Ranks	17
6.	Specific additional requirements for Private Hire Vehicles	18
6.1	Taximeters	18
6.2	Executive Vehicles.....	18
7.	Stretched Limousines	19
8.	Private Hire Operators	20
8.1	General.....	20
8.2	Disclosure and Barring Service Checks.....	20
8.3	Duration of Licence.....	20
8.4	Safeguarding and Child Sexual Exploitation (CSE) training	21
8.5	Insurance.....	21
8.6	Premises.....	21
8.7	Records	21
8.8	Application process.....	22
9.	Regulation & Enforcement	22
10.	Fares	23
11.	Fees.....	23

Introduction

Hackney Carriages have been licensed since the Town Police Clauses Act of 1847 was enacted.

The Local Government (Miscellaneous Provisions) Act 1976, as amended, extended these licensing requirements to Private Hire Vehicles and placed a duty on Wyre Council (“the Council”) as the relevant Licensing Authority, to undertake the regulation of Hackney Carriages, Private Hire Vehicles, their drivers and operators.

This policy sets out the way in which the Council will administer and regulate the Hackney Carriage and Private Hire Trade that it licenses, in order to provide assurance to the public that only those individuals it considers are fit and proper, are entrusted to transport passengers in licensed vehicles that are safe and suitable for use.

1. Objectives

- 1.1 The protection of the public is of paramount concern for the Licensing Authority when discharging its licensing functions and the Council will not hesitate to act, when it is made aware of issues that have the potential to undermine public safety.
- 1.2 Hackney Carriages and Private Hire vehicles play a vital part in the transport network, providing an invaluable service to residents and visitors to the Borough alike.
- 1.3 Licensed drivers are entrusted to transport some of the most vulnerable members of our society, from the very young, to the elderly and infirm and those who may be incapacitated through alcohol or drug use, and our communities rely on licensed drivers and their vehicles to provide a safe and reliable service.
- 1.4 Licensed vehicles and their drivers enjoy an anonymity on our roads that is shared only by emergency vehicles. The appearance of a vehicle, whether regularly or otherwise, at any time of the day or night, does not raise any suspicion as to the reason for it being there, if it is displaying a Hackney Carriage or Private Hire Vehicle Licence plate.
- 1.5 The Council will, through the regulation of the trade seek to promote the following objectives:
 - The protection of the public
 - A professional Hackney Carriage and Private Hire trade
 - Access to an efficient and effective public transport service
 - The protection of the environment
 - Consideration of accessibility issues associated with the conveyance of all passengers, in line with the Equality Act 2010.
- 1.6 The Council will work with a wide range of partners when carrying out its duties in respect of Hackney Carriage and Private Hire Licensing, including, but not limited to:
 - Licensed drivers, operators and vehicle proprietors

- Local residents
- Locally operating Hackney and Private Hire Trade Associations
- Lancashire Constabulary
- National Anti-Fraud Network
- Driver and Vehicle Standards Agency (formally VOSA)
- HM Revenue and Customs
- UK Border Agency
- Department of Work and Pensions
- Lancashire County Council
- The Disclosure and Barring Service
- The Office of the Police and Crime Commissioner
- Other Licensing Authorities

1.7 This policy will come into effect on xx 2021 and will be subject to periodic reviews at least every 5 years.

1.8 In the exercise of its powers as the Licensing Authority, the Council will have regard to this policy. Notwithstanding this, every application or enforcement measure will be considered on its own merits. Should it be necessary to substantially depart from this policy, the Council will record its reasons for doing so.

2. General Matters

2.1 Legislation

The following list details some of the primary legislation which the Licensing Authority must either have regard to, or is duty bound to adhere to, in order to discharge its licensing function in respect of Hackney Carriage and Private Hire vehicles, licensed drivers and operators.

This list is not exhaustive and will be subject to change over time as UK legislation is amended repealed or replaced.

- Criminal Procedures & Investigations Act 1996
- Data Protection Act 1998
- Deregulation Act 2015
- Disability Discrimination Act 1995
- Equality Act 2010
- Freedom of Information Act 2000
- General Data Protection Regulations 2018
- Health Act 2006
- Health & Safety at Work etc. Act 1974
- Human Rights Act 1998
- Immigration Act 2016
- Legislative and Regulatory Reform Act 2006
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976

- Local Government (Miscellaneous Provisions) Act 1982
- Measuring Instruments Regulations 2017
- Police & Criminal Evidence Act 1984
- Policing and Crime Act 2017
- Regulation of Investigatory Powers Act 2000
- Rehabilitation of Offenders Act 1974
- Road Safety Act 2006
- Road Traffic Act 1988
- Road Traffic Regulation Act 1984
- Town Police Clauses Act 1847 and 1889
- Safeguarding and Vulnerable Groups Act 2006
- Transport Acts of 1980, 1985 and 2000

2.2 Sharing of Information

- 2.2.1 The Licensing Authority will share with other departments or regulatory bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with Data Protection legislation.
- 2.2.2 Information sharing may include requests from the Police or other enforcement/regulatory agencies where this is necessary for the detection or prevention of crime, or required by law, or in connection with legal proceedings.

3. Dual Licensed Drivers

3.1 Fit and Proper

3.1.1 The Council will not issue a licence to any applicant, unless it is satisfied that they are a fit and proper person to hold such a licence. There is no statutory definition of what constitutes fit and proper but Wyre Council will consider the following test when determining applications or licence reviews **“Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person at any time of the day or night?”**.

3.1.2 Decisions in respect of driver licences will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a Dual Driver Licence.

3.1.3 The Council’s policy on convictions and other relevant matters which it considers are likely to impact on an individual’s suitability to hold a licence is at Appendix 1.

3.2 Duration of Driver’s Licences

The Council normally issues driver’s licences for 3 years, however, in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

3.3 Age Restrictions on Drivers

The Council will consider applications from persons aged 21 and over and does not have a maximum age limit for the drivers it will licence, however applicants who have reached the age of 65 will only be eligible for a one-year licence to run concurrent with their certificate of medical fitness.

3.4 Entitlement to Drive in the UK

3.4.1 All applicants must have held a valid, full UK driving licence for a minimum of 2 years immediately before making their application.

3.4.2 Applications from holders of a full driving licence issued by a country outside the UK, may be considered in accordance with any provisions contained within National agreements.

3.4.3 All applicants are required to authorise the Council to undertake checks with the DVLA, to verify the existence of any motoring convictions and restrictions on their licence.

3.5 Entitlement to Work in the UK

3.5.1 All applicants must have the right to live and work in the UK and demonstrate this at the point of application.

3.5.2 EU, EEA or Swiss nationals continue to have the right to work in the UK until 30 June 2021. After that date they will be required to demonstrate any ongoing right to work in the UK, under the EU Settlement Scheme.

3.5.3 Applicants who are disqualified from driving a Hackney Carriage or Private Hire Vehicle by reason of their immigration status will not be considered for a licence.

3.5.4 Where a successful applicant is subject to a time limitation on their right to remain and work in the UK, a licence will not be granted beyond that date.

3.6 Disclosure and Barring Service checks

3.6.1 All applicants for a Dual Driver Licence are required to provide an enhanced disclosure certificate issued by the Disclosure and Barring Service (DBS) including a check against the barred lists. This must be applied for via the Council's nominated service provider, GB Group.

3.6.2 Enhanced DBS Certificates made through other organisations will not be accepted.

3.6.3 The Rehabilitation of Offenders Act 1974 does not apply to applicants for a dual driver licence, who are therefore required to disclose all convictions, cautions, fixed penalty notices, Civil injunctions and motoring offences etc., including those that would ordinarily be regarded as spent.

3.6.4 Any applicant who has spent six continuous months or more, overseas within the last 10 years, will also be required to produce a Certificate of Good Conduct from the

relevant Embassy, translated into English, at their own expense, in respect of each of the countries where they have lived, during this period.

3.7 DBS Update Service

3.7.1 All drivers are required to sign up to the DBS update service and maintain their registration throughout the licensed period. They must also authorise the Council to undertake periodic checks with the DBS, to verify that the information on the registered certificate has not changed.

3.7.2 Where there has been a change to the information held by the DBS, the driver will be required to provide a new certificate to the Council and register that one with the update service.

3.7.3 In accordance with the DfT's Statutory Guidance issued in July 2020, Wyre Council will use the update service to check all licensed driver's status every six months throughout the licensed period.

3.7.4 Licensed drivers who fail to register with the update service, or who allow their registration to lapse, will be required to provide a new enhanced certificate every six months.

3.7.5 Where the Council is unable to check the driver's status in accordance with 3.7.3 or 3.7.4 due to failings on the part of the driver, it will suspend the dual drivers licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

3.7.6 Nothing in this section will negate the requirement for licensed drivers to inform the Licensing Authority within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence.

3.7.7 Where there is evidence of new criminal activity or motoring convictions, the applicant will be referred to the Licensing Committee in line with the Council's Policy on Convictions and other relevant matters.

3.8 National Anti-Fraud Network

3.8.1 The Council subscribes 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 dual driver licence revoked, or an application for one refused.

3.8.2 Where a dual driver licence is revoked, or an application for one refused, Wyre Council will automatically record this decision on NR3.

3.8.3 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.

3.8.4 Information is retained on NR3 for a period of 25 years.

3.9 Medical Fitness

- 3.9.1 The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes.
- 3.9.2 Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end Council requires all licensed drivers to meet the Group 2 standard used by the DVLA when licensing Public Service Vehicle drivers.
- 3.9.3 Medical certificates are required every three years for drivers under the age of 65 and then annually for drivers 65 or over, to run concurrent with their licence.
- 3.9.4 Certificates must be completed by the driver's own GP practice, or where this is not possible, with another practice, subject to the prior approval of the Licensing Officer. The certificates must have been issued no earlier than 6 weeks before the application is submitted.
- 3.9.5 Should there be any doubt as to the medical fitness of a licensed driver, the Council reserves the right at any time, to refer that individual to a nominated occupational health service and/or to suspend the driver's licence until such time as it can be satisfied that the driver meets the group 2 standard.
- 3.9.6 All licensed drivers must inform the Licensing Authority, within 7 days, of any change to their health, which could impact on their ability to meet the group 2 standard, or continue to drive a licensed vehicle.
- 3.9.7 No applicant will be issued a licence until medical fitness has been established.

3.10 Local Area Knowledge Test

- 3.10.1 One of the Council's objectives is to have a professional trade. It is important that licensed drivers are not only competent to drive to a high standard, but also that they can deliver a high standard of customer service and offer appropriate assistance to passengers.
- 3.10.2 The Council acknowledges that it is important to the travelling public, that the drivers it licences, have a good knowledge of the Borough including its boundaries, the Highway Code, safeguarding and the ability to comprehend and communicate effectively in English.
- 3.10.3 All applicants for a new driver's licence will be required to pass the Wyre knowledge test before they can be considered for a licence.
- 3.10.4 Licensed drivers, who allow their licence to expire, must apply for a new licence and satisfy all of the requirements in force at that time on a new driver, unless agreement has been obtained from the Licensing Officer prior to the expiry date, to exclude the requirement for them to pass the knowledge test.

- 3.10.5 Payment must be made for each test booked and there is no discount for re-tests. Applicants who fail to appear for a pre-arranged Driver Knowledge Test will forfeit the booking fee.
- 3.10.6 Applicants must bring in their DVLA driving licence on the day of the test. Applicants must ensure that the photo-card driving licence has not expired and that all details on it, including their address are current.
- 3.10.7 If an applicant fails the first test, a period of one week should elapse before they are eligible to take a second test.
- 3.10.8 If the second test is failed, the applicant will have to wait two weeks before being eligible to take a third test.
- 3.10.9 Failure of a third test would indicate that the applicant is not fit and proper and a minimum period of 6 months must elapse before the applicant would be eligible for any further attempts.

3.11 Safeguarding and Child Sexual Exploitation (CSE) training

- 3.11.1 The Council recognises that licensed drivers are an integral part of modern life and as such play an important role in providing a safe means of transport to all members of our society.
- 3.11.2 Their role within our communities places them in direct daily contact with some of the most vulnerable members of society and as such, they are ideally placed to assist agencies who have a statutory responsibility to safeguard the vulnerable.
- 3.11.3 In order for licensed drivers to recognise the signs of CSE and other forms of exploitation such as County Lines, to enable them to report suspicious behaviour appropriately, all applicants for Dual Driver's Licence must have completed basic safeguarding awareness training, provided via the Council's website, before they will be considered for a licence.

3.12 Dress Standards

- 3.12.1 The Council expects all licensed drivers not only to conduct themselves in a professional manner, but also to look professional whilst working.
- 3.12.2 Whilst there is not a prescribed dress code, drivers must not:-
- Have bare chests
 - Wear dirty clothing or shoes
 - Wear flip flops or beach shoes
 - Wear uniform clothing issued by any other business, except the provider of Hackney Carriage or private hire services associated with the vehicle being used.
 - Wear clothing that includes offensive words or graphics
 - Wear inappropriate clothing, including very short skirts or tops that do not cover the shoulders

3.13 Alcohol and Tobacco products

- 3.13.1 Licensed drivers must not consume alcohol before, or at any time whilst driving, or otherwise being in charge of a Hackney Carriage or Private Hire vehicle.
- 3.13.2 Licensed drivers must not drive a Hackney Carriage or Private Hire vehicle, after having misused legal drugs or taken illegal drugs.
- 3.13.3 Tobacco products, including e-cigarettes must not be smoked or used inside a licensed vehicle by anyone at any time.

3.14 Dual Driver Conditions

All Dual Driver licences are issued subject to the Council's standard conditions (Appendix 2) and the Driver's code of conduct (Appendix 3).

3.15 Application process

Details of the application process and guidance for applicants is published on the Council's website.

4. Hackney Carriage and Private Hire vehicles

4.1 Proprietors

4.1.1 The Council will not issue a vehicle proprietor's licence to any applicant, unless it is satisfied that they are fit and proper to hold such a licence. There is no statutory definition of what constitutes fit and proper but Wyre Council will consider the following test when determining applications or licence reviews **"Without any prejudice and based on the information before you, are you satisfied that this person will maintain the vehicle to a safe and acceptable standard throughout the licensed period and ensure that it is not used in connection with criminal or otherwise unacceptable purposes"**.

4.1.2 Decisions in respect of vehicle licences will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a licence.

4.1.3 The Council's policy on convictions and other relevant matters which it considers are likely to impact on an individual's suitability to hold a licence is at Appendix 1.

4.2 Duration of Licences

Vehicle licences will normally be issued for 12 months, however the Council will consider issuing a licence for a shorter period, where it deems it appropriate.

4.3 General

- 4.3.1 Licensed vehicles must display in the top left-hand corner of the windscreen, a valid laminated licence, issued by the Council that includes details of the registration number of the vehicle and the number of passengers permitted to be carried.
- 4.3.2 Licensed vehicles must be right hand drive and shall have been so since the date of first registration.
- 4.3.3 Licensed vehicles should not have any fittings attached to, or carried on the inside or outside of the vehicle which have not been approved by the Council.
- 4.3.4 Licensed vehicles must not display any signs, notices or advertisements that are not legally required, or have been expressly authorised by the Council.
- 4.3.5 No smoking signs must be displayed in accordance with the Health Act 2006.
- 4.3.6 Licensed vehicles must carry suitable means to issue a receipt, if requested by the passenger. Such a receipt must show as a minimum, the date and time of the journey, the badge number of the driver and the amount paid.
- 4.3.7 One of the Council's objectives is the protection of the environment and to this end it encourages vehicle proprietors to purchase hybrid or electric vehicles when purchasing new vehicles.

4.3.8 New or replacement vehicles being presented for a licence must meet the following minimum emissions standards.

Euro 4 emission limits (petrol)

CO – 1.0 g/km

HC – 0.10 g/km

NO_x – 0.08

PM – no limit

Euro 6 emission limits (diesel)

CO – 0.50 g/km

HC+ NO_x – 0.17 g/km

NO_x – 0.08 g/km

PM – 0.005 g/km

PM – 6.0x10⁻¹¹/km

4.3.9 Where an existing vehicle licence is temporarily transferred to another vehicle due to accident or collision damage or mechanical failure whilst repairs are undertaken, the requirements of 4.3.8 will not be applied to the original vehicle when it is presented for re-licensing.

- 4.3.10 All vehicles must have an appropriate "type approval" which is either a:-
 - i) European Whole Vehicle Type approval;
 - ii) British National Type approval; or
 - iii) British Individual Vehicle Approval.

4.3.11 It is also recommended that only vehicles with Euro NCAP star ratings of 4 or more should be presented as new or replacement vehicles.

4.4 Bodywork

4.4.1 Licensed vehicles shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.

4.4.2 There shall be no significant sign of corrosion, including visible rust or blistering of paintwork.

4.4.3 Where the vehicle is fitted with a step to assist passengers, it shall have a suitable non-slip surface and the edge shall be highlighted in a clearly visible colour which differs from that of the vehicle.

4.4.4 Electronically operated steps must have a failsafe device which prevents the vehicle from moving while the step is extended.

4.5 Windows

All factory fitted glass to the front of the driver's door pillar vehicle, shall permit a minimum of 70% light transmission. No vehicle shall be fitted with any additional film designed to tint or darken the glass.

4.6 Roadworthiness

4.6.1 In addition to the standard annual MOT requirements for vehicles, the Council must be satisfied that the vehicles it licences are safe and fit for purpose.

4.6.2 The Council will not issue a vehicle licence for any vehicle that has been written off by insurers under category A, B or S.

- A relates to vehicles that must be scrapped
- B relates to vehicles that may be broken and their parts reused
- S relates to vehicles that have sustained structural damage that is repairable.

4.6.3 Licensed vehicles must pass the Council's roadworthiness test, no earlier than 28 days before a licence is granted. Vehicle testing is carried out at the Council's Copse Road Garage and applicants are responsible for booking and paying for this test, directly with the Council's Contact Centre.

4.6.4 Licensed vehicles are liable to be inspected and tested at any time by an Authorised Officer of the Council or Police Constable. If upon inspection it is discovered that the vehicle is not being properly maintained, or kept in good order, a notice may be served on the proprietor to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

4.7 Insurance

- 4.7.1 Vehicle proprietors must ensure that an appropriate insurance policy is in force at all times that the vehicle is licensed. Any failure to ensure that a Hackney Carriage is not adequately insured for public hire, or a Private Hire vehicle is not adequately insured for private hire use will result in the immediate suspension of the vehicle licence.
- 4.7.2 Vehicle proprietors must produce proof of the policy required in 4.7.1 to an Authorised Officer of the Council or Police Constable, on request.

4.8 Wheelchair Accessibility

- 4.8.1 The Council encourages applications for vehicle licences for wheelchair accessible vehicles. There are no restrictions on whether accessibility is via rear or side loading doors.
- 4.8.2 A list of wheelchair accessible vehicles and weights is maintained on the Council's website in accordance with section 167 of the Equality Act 2010.

4.9 Passenger numbers

- 4.9.1 Vehicle licences are normally issued for the carriage of between 4 and 8 passengers.
- 4.9.2 When assessing the maximum number of passengers that may be carried in a licensed vehicle, the Council will take into account factors, including the number and location of seats and their proximity to the doors.
- 4.9.3 The Council will not normally licence a saloon, hatchback, estate or purpose built taxi vehicles that does not have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors, not including any tailgate or rear door.
- 4.9.4 The Council will not licence a vehicle to carry passengers in sideways facing seats or seats which require more than 1 other passenger to move in order to permit access or egress.
- 4.9.5 The Council will not licence a vehicle to transport passengers in a rear facing seat, unless such seats are secured to the bulk head in a purpose built vehicle, specifically manufactured for the carriage of passengers for hire or reward.
- 4.9.6 Any space within a vehicle designed to carry luggage or similar, must not be used to transport babies or children in prams or pushchairs.
- 4.9.7 Applications for vehicle licences which do not meet any of these criteria will be referred to the Licensing Committee for consideration.

4.10 CCTV

- 4.10.1 Wyre Council does not mandate the requirement for CCTV in the vehicles it licences.
- 4.10.2 The Council does however recognise the benefits to the trade and passengers alike of having CCTV in licensed vehicles and encourages the installation of such systems, but

is also mindful that there are data protection concerns arising from the use of such surveillance.

4.10.3 Where CCTV is installed there must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

4.10.4 Audio recording should not be routinely activated but is permitted where there is a specific threat to persons in the vehicle.

4.10.5 The person responsible for the CCTV system must be registered as the Data Controller under Data Protection legislation and CCTV systems must comply with all current legislation and guidance from the Information Commissioner and Surveillance Commissioners Offices.

4.10.6 All equipment must be installed in accordance with the equipment and/or vehicle manufacturer installation instructions. The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

4.10.7 Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.

4.11 Application process

4.11.1 All vehicle licences clearly indicate the expiry date of the licence. It is the responsibility of the proprietor to ensure that a valid application is submitted to the Council before the licence expires.

4.11.2 When a vehicle proprietor has allowed the vehicle licence to lapse, for any reason, they will be required to sign a declaration that the vehicle has not been used for hire or reward, during the unlicensed period.

4.11.3 Applications will not be considered until the applicant is able to produce original evidence of:-

- A valid and appropriate insurance policy
- Proof that the vehicle has passed the Council's roadworthiness test, no more than 28 days before the application is made
- The original V5 log book (in the case of new or replacement vehicles the V5C and a bill of sale or hire agreement)
- And the appropriate fee

5. Specific additional requirements for Hackney Carriages

All Hackney Carriage vehicle licences issued by the Council are subject the Hackney Carriage By-Laws (Appendix 4) and the Council's standard conditions (Appendix 5).

5.1 Restrictions on the issue of Hackney Carriage Licences

- 5.1.1 The Council currently restricts the number of Hackney Carriages it licenses to 160.
- 5.1.2 Every 3 years the Council will normally undertake a survey to establish if there is any significant unmet demand for Hackney Carriages which it would need to address either by increasing the limits, **or delimiting Hackney Carriage numbers.**

5.2 General

- 5.2.1 The Council provides 2 licence plates on a yellow background for Hackney Carriages and these must be displayed at the front and rear of the vehicle and fixed externally to the vehicle
- 5.2.2 Hackney Carriages must have a roof sign displaying the word TAXI, which must be illuminated at all times when, and only when, the vehicle is available for hire. The roof sign must be clearly visible from the front of the vehicle.

5.3 Taximeters

- 5.3.1 All Hackney Carriages must be fitted with a calendar controlled taximeter which is sealed and approved by a recognised agent.
- 5.3.2 The meter must be calibrated to the current Hackney Carriage Tariff and vehicles must be presented, on request, to an Authorised Officer of the Council to validate the accuracy of the taximeter.

5.4 Intended Use

- 5.4.1 The Council is concerned to ensure that the Hackney Carriage vehicles it licenses must predominantly operate within the Borough of Wyre, in the interests of public safety.
- 5.4.2 Hackney Carriage proprietors are required to confirm on each and every application that they intend to ply for hire predominantly within Wyre.
- 5.4.3 If it appears, however, that the applicant intends to trade in another authority's area for a substantial period of time and so frustrate the purpose of the legislation and potentially undermine public safety, there will be a presumption against the granting of a licence.
- 5.4.4 Section 60 of the Local Government (Miscellaneous Provision) Act 1976 provides for the Licensing Authority to refuse to grant or renew a Hackney Carriage Licence 'for any reasonable cause' and it is the Council's position that the Hackney Carriages it licenses must operate predominantly from within the Borough.

5.5 Hackney Carriage Ranks

- 5.5.1 The Council has provided a number of designated Hackney Carriage ranks throughout the Borough (Appendix 6).

- 5.5.2 Where a designated ranks design requires Hackney Carriage drivers to queue, the front vehicle must be positioned so as to allow the 2nd vehicle to easily pass and leave the rank.
- 5.5.3 Drivers **must not** leave a vehicle unattended on a rank at any time.

6. Specific additional requirements for Private Hire Vehicles

All Private Hire vehicle licences issued by the Council are subject the Council's standard conditions (Appendix 7).

6.1 Taximeters

- 6.1.1 The Council permits the use of taximeters in private hire vehicles which are calendar controlled, sealed and approved by a recognised agent. No private hire passenger shall be charged more than the metered fare for a journey, when the taximeter is in operation for that journey.
- 6.1.2 Where a taximeter is fitted, the current tariff must be displayed where it can easily be seen and read by the passenger.

6.2 Executive Vehicles

- 6.2.1 Wyre Council does not provide a definitive list of vehicles it considers to be suitable for the dispensation to display external identification plates.
- 6.2.2 Applications for exemption will be considered by the Licensing Committee where the following requirements are met;
- The type of work undertaken is exclusively 'executive' in nature. This means that the vehicle is used specifically to provide transport for a company or individuals who for security or personal safety reasons would not want the vehicle to be identifiable.
 - Vehicles should be of a standard of comfort and equipped to a level equal to, or above luxury brands of vehicles.
 - Only vehicles under 5 years old would ordinarily be considered for executive hire.
- 6.2.3 When considering such applications, the Committee will take into account factors including, but not restricted to:
- The make and model of the vehicle
 - The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
 - The nature of the Operator's business
 - How and where the vehicle is advertised and marketed
- 6.2.4 Where dispensation is granted, male drivers are required to wear a suit jacket and trousers, plus shirt and tie. Female drivers must follow an equivalent dress code but will not be required to wear a tie.

This dress code shall be followed at all times the vehicle is being used to undertake a booking, unless a specific request to depart from the code has been received and recorded by the operator.

- 6.2.5 Exempt vehicles must display a windscreen badge, provided by the council and the vehicle licence plates must be carried in the boot of the vehicle at all times.

7. Stretched Limousines

- 7.1 Stretched limousines are as the name suggests elongated vehicles. The vast majority are imported from the USA and so are left hand drive.

- 7.2 Unlike other vehicles, this does not preclude them for being considered suitable for licensing as Private Hire vehicles.

- 7.3 The Council will consider applications to licence stretched limousines as Private Hire vehicles subject to the following criteria:

- The vehicle must have one of the following:
 - (i) British Individual Vehicle Approval Certificate
 - (ii) A European Whole Vehicle Approval Certificate
 - (iii) UK Low Volume Type Approval Certificate
 - (iv) Limousine Declaration of Condition of Use
- There must be appropriate, Private Hire insurance.
- It must have passed the Council's roadworthiness test within the last 28 days.
- It must not carry more than 8 passengers at any time.
- Sideways facing seating is acceptable, but no seat will be permitted that permanently obstruct any door.
- All forward or rear facing seats must be fitted with seatbelts.
- Additional seats in the driver's compartment must not be used to carry passengers.
- With the exception of the glass in the windscreen and front doors, there shall be no restriction to the level of tint for the remaining windows.
- The vehicle must carry a safety hammer capable of being used to break the vehicles windows. It should be securely located in the driver's compartment, and visible and accessible in the event of an emergency.
- If fitted with a sun roof, the switch must be isolated so it cannot be operated by passengers.
- All doors must be capable from being opened from the inside and outside of the vehicle.
- A suitable means of two-way communication between the driver and passengers must be available.

- 7.4 Licences will be issued subject to the Standard Conditions for Stretched Limousines (Appendix 8).

8. Private Hire Operators

8.1 General

8.1.1 Anyone in Wyre wishing to invite private hire bookings and dispatch a private hire vehicle and driver to fulfil those bookings, must hold a Private Hire Operators licence.

8.1.2 Private Hire operators are responsible for ensuring that all the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys.

8.1.3 The Council will not issue a Private Hire Operators licence, unless it is satisfied that the applicant is fit and proper to hold such a licence. There is no statutory definition of what constitutes fit and proper but Wyre Council will consider the following test when determining applications or licence reviews **“Without any prejudice and based on the information before you, would you be comfortable providing sensitive information about yourself and family members, such as holiday plans, to this person and trust them not to disclose it further, or otherwise use it for criminal or unacceptable purposes”**.

8.1.4 The Council’s policy on convictions and other relevant matters which it considers are likely to impact on an individual’s suitability to hold a licence is at Appendix 1.

8.1.5 All Private Hire Operator’s licences are issued subject to the Council’s standard conditions (Appendix 9).

8.2 Disclosure and Barring Service Checks

8.2.1 The Council requires applicants to provide a recent basic DBS certificate before a Private Hire Operators licence will be granted, and then annually throughout the duration of the licence, for each person named on the licence, or for each director or partner where the licence is held by a company or partnership.

8.2.2 Where an individual also holds a valid Wyre Dual Driver’s licence, the requirements in 8.2.1 are dis-applied in respect of that individual.

8.2.3 Any applicant, who has lived outside the UK within the last 10 years, will also be required to produce a Certificate of Good Conduct from the relevant Embassy, translated into English, at their own expense, in respect of each of the countries that they have lived in within that period.

8.2.4 Operators are also expected to be able to demonstrate that all staff who have contact with the public or oversee the dispatching of vehicles do not pose a risk to the public and should evidence that they have had sight of a satisfactory Basic DBS check for each individual named on the register required by 8.7.4.

8.3 Duration of Licence

The Council normally issues operator’s licences for 5 years however in some circumstances the Council may consider it appropriate to issue a licence for a shorter period.

8.4 Safeguarding training

- 8.4.1 The Council recognises that Private Hire Operators and their dispatchers play an important role in providing access to a safe means of transport to all members of society.
- 8.4.2 Their role, alongside that of the licensed driver's they dispatch, places them in daily contact with some of the most vulnerable members of our society and as such they are ideally placed to assist all those agencies who have a statutory responsibility to safeguard the vulnerable.
- 8.4.3 In order for them to recognise safeguarding issues and to enable them to report suspect behaviour or bookings appropriately, all applicants for a new Private Hire Operators licence who are not licensed drivers, shall have completed basic safeguarding training, provided via the Council before they will be granted a licence.
- 8.4.4 Operators are also expected to ensure that all non-licensed dispatch staff they employ complete the online training package, "an introduction to Child Sexual Exploitation (CSE)" provided through Lancashire County Council's website.
- 8.4.5 Training records must be held by the operator and made available to any Authorised Officer of the Council, on request.

8.5 Insurance

- 8.5.1 Where appropriate, a Private Hire Operator must maintain a suitable employer's liability insurance policy.
- 8.5.2 Where appropriate, a Private Hire Operator must maintain a suitable public liability policy in respect of any premises covered by the licence.

8.6 Premises

- 8.6.1 Where a Private Hire Operator provides premises for the public they shall at all times, be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided have adequate seating facilities.
- 8.6.2 If sanitary and washing facilities are provided for customers and/or staff they should be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.
- 8.6.3 If separate male and female facilities are not provided, any WC must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.

8.7 Records

- 8.7.1 Private Hire Operators are required to keep comprehensive records of all bookings. As a minimum, Licensed Operators must record details of:-
- The date and time of each booking

- The name and address of the hirer
- The pick-up point and the destination
- Any fare quoted at the time of booking
- The plate number of the vehicle dispatched
- The drivers name and badge number dispatched to fulfil the booking
- The name of the individual that dispatched the vehicle

8.7.2 Full details must be recorded separately, of any bookings that are sub-contracted to or from another Private Hire Operator.

8.7.3 Booking records must be retained for a minimum of 6 months.

8.7.4 In addition, records including the full name, address, date of birth and National Insurance number of dispatch staff, who are not also Licensed Drivers, shall be maintained and made available to an authorised officer of the Council on request.

8.8 Application process

8.8.1 Private Hire Operators licences clearly indicate the expiry date of the licence. It is the responsibility of the operator to ensure that a valid application is submitted to the Council before the licence expires.

8.8.2 Applications will not be considered until the applicant is able to satisfy the Licensing Authority that they have the right to occupy premises within the Borough in order to offer private hire services and produce original evidence of:-

- Valid, appropriate insurance policy(s)
- Basic Disclosure Certificate issued no more than 1 month prior to the application for each person named on the licence, or for each director or partner where the licence is held by a company or partnership. This requirement will not apply to any applicant who also holds a valid Wyre Dual Driver's Licence
- Proof of the operating address, within the Borough
- Payment of the appropriate fee.

9. Regulation & Enforcement

9.1 The Council has a duty to ensure that the vehicles, drivers and operators that it licenses, carry out their functions in accordance with the legislation and any conditions attached to such licences.

9.2 Anyone who wishes to complain about a licensed driver, vehicle or operator should contact the Licensing Unit at licensing@wyre.gov.uk or by telephone on 01253 887225/887406. All complaints received will be recorded against the licence holder, but anonymous complaints would not normally be investigated further, unless there is independent evidence to corroborate the allegations.

9.3 Officers charged with the regulation of the Hackney Carriage and Private Hire industry will be appropriately trained and authorised within the Council's scheme of delegation.

- 9.4 Authorised Officers will undertake their duties in accordance with the Governments Compliance Code for Regulators, the Crown Prosecution Service's guidance, the Council's Corporate Prosecutions Policy and the Licensing Enforcement Policy.

10. Fares

- 10.1 The Council is responsible for setting the Hackney Carriage Tariff, which is a table of the maximum fares that may be charged for a journey.
- 10.2 Each Hackney Carriage must have its taximeter calibrated to the current tariff and in addition must display the table of fares provided by the Council where it can easily be read by a passenger.
- 10.3 The Council has no ability to control the fares charged by the private hire trade and it is for the hirer to negotiate an appropriate fee or method of charging for each journey.
- 10.4 Where a private hire vehicle is fitted with a taximeter that is used to calculate the journey fee, there must be a corresponding table of fares produced by the operator and displayed in the vehicle where it can easily be read by a passenger.

11. Fees

- 11.1 The Council sets and regularly reviews its fees for taxi and private hire licensing, in line with the Governments requirement that fees should only cover the costs involved in the administration and regulation of licensed operators, drivers and vehicles.
- 11.2 A list of the current licence fees can be found on the Council's website along with some miscellaneous charges.
- 11.3 Licence holders who surrender a licence before its natural expiry, are not eligible for a refund.

This page is intentionally left blank



**Hackney Carriage and Private Hire
Licensing
Convictions and other Relevant Matters
Policy**

1. Introduction

- 1.1 The purpose of this policy, is to provide guidance on the criteria that may be taken into account by Wyre Council as the relevant Licensing Authority, when determining if an applicant or existing licence holder, is a fit and proper person to hold a licence.
- 1.2 The relevant sections of this policy will also be applied to applicants for, or holders of, Private Hire Operator's licences and vehicle proprietors, in so far as they relate to the fitness and propriety of the applicant.
- 1.3 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined, but in order to assist decision makers Wyre Council has adopted the following tests.
- 1.4 In relation to Dual Driver licences - "Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition or vulnerability, to travel alone in a vehicle driven by this person, at any time of the day or night?".
- 1.5 In relation to Private Hire Operators - "Without any prejudice and based on the information before you, would you be comfortable providing sensitive information about yourself and family members, such as holiday plans, to this person and trust them not to disclose it further, or otherwise use it for criminal or unacceptable purposes".
- 1.6 In relation to Vehicle Proprietors – "Without any prejudice and based on the information before you, are you satisfied that this person will maintain the vehicle to a safe and acceptable standard throughout the licensed period and ensure that it is not used in connection with criminal or otherwise unacceptable purposes".
- 1.7 If the answer to any of the tests is an unqualified yes, then that person can be considered to be fit and proper.
- 1.8 If however, there are any doubts in the minds of those responsible for determining an application, further careful consideration must be given as to whether a licence should be granted.
- 1.9 All decisions will be made on the balance of probabilities and where there are concerns that tip that balance, individuals will not be permitted to hold a Wyre licence.
- 1.10 Whilst criminal convictions, cautions and motoring offences will quite rightly play a significant part in the Licensing Authority's consideration of whether an applicant or existing licence holder is fit and proper, the Council will also take into account other relevant factors, including but not limited to; the demeanour, medical fitness, integrity and general character of the applicant; their driving ability; any information registered on NR3; any soft intelligence from the Police or other regulatory body and any relevant information from other Licensing Authorities.

- 1.11 In the case of existing licence holders the Licensing Committee will also take account of any history of compliance issues, or complaints.
- 1.12 The overriding aim of the Licensing Authority is to protect the public. The Licensing Authority is ultimately concerned to ensure:
- That the applicant is a fit and proper person.
 - That the applicant does not pose a threat to the public.
 - That the public are safeguarded from dishonest persons.
 - The safety of children, young persons and vulnerable adults.
- 1.13 This policy provides guidance to anyone with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for Wyre licences
 - Existing license holders
 - Licensing officers
 - Members of the licensing committee
 - Magistrates hearing appeals against local authority decisions
- 1.14 In considering this guidance the Council will be mindful that each case must be determined on its individual merits and whilst the Licensing Committee may, in exceptional circumstances, depart from this policy, it should be noted that, the otherwise good character and driving record of an applicant, would not ordinarily be considered to be exceptional circumstances.
- 1.15 Where the Authority substantially depart from its policy, clear and compelling reasons shall be given for doing so.
- 1.16 Where Licensing Officers have delegated powers to grant licences, they will do so in accordance with these guidelines. In all other cases, applicants for licences will be referred to the Licensing Committee.
- 1.17 Nothing in this Policy prevents a Licensing Officer from referring any applicant or licence holder to the Licensing Committee, where they find it appropriate to do so, in the circumstances.
- 1.18 Whilst existing licences will not be automatically revoked if the holders do not meet standards in this policy, should the conduct, or offending activity of an existing licence holder be of concern to the Licensing Authority, following its implementation, the Council may consider such activity and re-evaluate any decision made in reliance on any previous policy.
- 1.19 Throughout this policy the term “conviction” is to be read as including criminal, civil or motoring convictions, cautions, warnings, reprimands, orders and Fixed Penalty Notices.
- 1.20 The term “applicant” refers to new applicants and existing licence holders.

- 1.21 The term “from date sentence ended” relates to the actual sentence imposed and not to the time served, by the offender.
- 1.22 The term “disqualification” refers to the period served. This is in order to take account of court decisions to reduce the period of disqualification from driving. In such cases the applicant must provide evidence to prove that the court had agreed a reduction in the period of disqualification, in advance of any hearing to determine their application.

2. General Policy

- 2.1 Whilst a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it would normally be expected that they:
- a) Remain free of convictions for an appropriate period; and
 - b) Demonstrate adequate evidence that they are a fit and proper person to hold a licence
- 2.2 The onus is on the applicant to produce such evidence and simply remaining free of convictions, will not normally be regarded as adequate evidence of fitness and propriety.
- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

3. Pre-requisites to making an application

- 3.1 It is Wyre Council’s policy that every application for a Dual Driver’s Licence must be accompanied by satisfactory evidence of the following -
- That the applicant has the right to live and work in the UK
 - An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
 - A certificate of their current medical fitness to Group 2 standard
 - That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive.
 - That the applicant has held a full driving licence for a minimum of two years prior to making their application.
 - That the applicant has good knowledge of the Borough of Wyre, its boundaries, the Highway Code and the ability to comprehend and communicate effectively in English.
 - That the applicant has completed safeguarding awareness training, including sexual exploitation of vulnerable children and adults and County lines exploitation.
- 3.2 If an applicant has spent six continuous months or more overseas within the last 10 years, the licensing authority will expect to see and be satisfied with a Certificate of

Good Conduct from the country/countries covering the relevant period, before a licence application can be considered.

4. Powers

- 4.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew a licence, if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failed to comply with the provisions of the Town Police Clauses Act 1847; failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; been convicted of an immigration offence or required to pay an immigration penalty; or for any other reasonable cause.
- 4.2 Section 62 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence if the licence holder has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; if their conduct appears to the Licensing Authority to render them unfit to hold an Operator's Licence; other than those circumstances where the conviction is spent within the meaning Rehabilitation of Offenders Act 1974, has been convicted of an immigration offence or required to pay an immigration penalty; or any other reasonable cause.
- 4.3 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant for a 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 recent pattern of repeat offending.

5. Appeals

- 5.1 Any applicant refused a licence has the right of appeal to the Magistrates' Court within 21 days of the notice of refusal. [Local Government Miscellaneous Provisions Act 1976, s 77 (1)]
- 5.2 Anyone aggrieved by the Council's decision to suspend or revoke their licence has a right of appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

6. Consideration of Disclosed Offending History

- 6.1 The Licensing Authority is required to ensure that an applicant for the grant or renewal of a 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 consider amongst other things:

1. How relevant the offence(s) are to the licence being applied for
2. How serious the offence(s) are
3. When the offence(s) were committed

4. The date of conviction, caution etc.
 5. The circumstances of the individual concerned at the time of the offence
 6. Any sentence imposed by the court
 7. The applicant's age at the time of conviction.
 8. Whether they form part of a pattern of offending
 9. Any other character check considered reasonable (e.g. personal references)
 10. Any other factors that may be relevant
- 6.2 Existing holders of drivers' licences are required to notify the Licensing Authority in writing within 48 hours, of any conviction or finding of guilt in a civil, criminal or driving matter; any caution issued by the Police or any other agency; any issue of a Magistrate's Court summons against them; any issue of a fixed penalty notice for any matter; any harassment or other form of warning, or order, including Restraining Orders, Child Abduction Warning Notices or similar; or any arrest for any offence, whether or not subsequently charged.
- 6.3 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a dual driver's licence. The Licensing Authority follows the relevant Code of Practice on the secure storage, handling, use, retention and disposal of disclosure information.
- 6.4 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure, via the Council's nominated service provider the GB Group, at their own expense.
- 6.5 So that the Licensing Authority receives relevant information as quickly as possible, in order to take appropriate and proportionate action to protect public safety, it is Wyre Council's policy to require applicants to register for the DBS's update service and to nominate the Licensing Authority to access their status using the online update service. Licensees should provide evidence of continuous registration and nomination throughout the duration of their licence.
- 6.6 The Licensing Authority is also entitled to use other records and information that may be available to it, when determining applications, or an entitlement to continue holding a licence. This may include information held by the Council or other Licensing Authorities or information disclosed by the police under the Common Law Disclosure Scheme or any other credible source.
- 6.7 It is an offence for any person knowingly or recklessly to make a false declaration, or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 6.8 The Council has a wide discretion on what information it may have regard to when making a determination. Offences or behaviours that are not referred to specifically in this Policy may nevertheless be relevant considerations.

7. Crimes resulting in death

Where an applicant 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.

8. Exploitation

Where an applicant 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.

9. Offences involving violence

9.1 Where an applicant has a conviction for an offence involving violence against a person, including offences that involve firearms, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

9.2 A licence will not normally be granted where the applicant has a conviction for criminal damage unless at least 5 years has passed since the conviction or completion of any sentence.

9.3 A licence will not normally be granted if an applicant has more than one conviction for an offence involving violent behaviour.

10. Possession of a weapon

10.1 Where an applicant has a conviction for possession of a weapon (excluding firearms) 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.

10.2 A licence will not normally be granted if an applicant has more than one conviction for an offence involving weapons.

11. Sexual and indecency offences

11.1 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.

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

12. Dishonesty

- 12.1 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.
- 12.2 A licence will not normally be granted if an applicant has more than one conviction for an offence involving dishonesty.
- 12.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be granted a licence, or be permitted to keep their licence.

13. Drugs

- 13.1 Where an applicant has a 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.
- 13.2 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.
- 13.3 A licence will not normally be granted if an applicant has more than one conviction for drug related offences.

14. 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.

15. Motoring convictions

- 15.1 Licensed 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 grant of a licence or result in action against an existing licence.
- 15.2 An applicant with 7 or more points on their DVLA licence for minor traffic or vehicle related offences, will not be granted a licence until at least 5 years have elapsed since the completion of any sentence imposed.
- 15.3 A minor traffic or vehicle related offence is considered to be 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.

- 15.4 Where an applicant has been disqualified from driving for 56 or more days or 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.
- 15.5 A major traffic or vehicle related offence is one which is not covered in 15.3 and includes 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.
- 15.6 A Private Hire Operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance, will normally have their Operators' Licence revoked immediately and will not be considered for another Operator's Licence until at least 5 years has elapsed.
- 15.7 Existing drivers who accumulate more than 2 current endorsements are considered to be failing to take their professional responsibilities seriously. In such cases drivers will be referred to the Licensing Committee, who will consider whether or not their conduct while in control of a vehicle, means that they are no longer a fit and proper person to hold a Wyre dual driver's licence.
- 15.8 The Licensing Committee will have regard to the circumstances of each offence and where offences involve the use of a licensed vehicle in the course of Hackney Carriage or Private hire work, this will be considered to be an aggravating factor.

16. Drink/Drug driving

- 16.1 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.
- 16.2 In the case of driving under the influence of drugs an applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 16.3 A licence will not normally be granted if an applicant has more than one conviction for driving under the influence of drink or drugs.

17. Using a hand held device whilst driving

- 17.1 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.
- 17.2 A licence will not normally be granted if an applicant has more than one conviction for driving whilst using a mobile phone.

18. Licensing offences

- 18.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence imposed.
- 18.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

19. Non-conviction information

- 19.1 The Council will also take into account situations or circumstances that have not led to a conviction, for whatever reason. This will include conditional discharges, acquittals, circumstances in which convictions were quashed due to misdirection of the jury, circumstances where a decision was taken not to prosecute, situations where the person has been arrested and bailed, but not yet charged, and complaints from the public.
- 19.2 When considering the most appropriate action to take in respect of non-conviction information, the Council recognises that it is not bound by the criminal burden of proof and must merely be satisfied, on the balance of probability that the mischief under consideration had occurred.
- 19.3 The Licensing Committee or Authorised Officer of the Council, will take into account the credibility of; the complainant; any witnesses; and the licence holder, along with any other evidence produced, when reaching a decision.
- 19.4 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, serious consideration will be given to refusing the application.
- 19.5 Where an applicant has previously been refused a licence or had a licence revoked, a new licence will not normally be granted until at least 2 years have elapsed since the Council's original decision.
- 19.6 Where compelling new evidence becomes available, and is such that if it had been available at the time of the original decision, would probably not have resulted in a refusal or revocation, para 19.5 may be dis-applied.
- 19.7 In assessing the appropriate course of action to take, the safety of the travelling public will always be the paramount concern.

20. Once a licence has been granted

- 20.1 If a dual driver licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 20.2 Suspension or revocation of a driver's licence ordinarily takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver, unless

in the interests of public safety, the Licensing Authority deem it necessary for the suspension or revocation to have immediate effect. In this case the notice given to the driver includes a statement to this effect issued under Section 61 (2B) Local Government (Miscellaneous Provision) Act 1976.

- 20.3 Any suspension or revocation of an Operator's Licence takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

21. Licences issued by other licensing authorities

- 21.1 Applicants who hold a driver or operator licence issued by another licensing authority, should not assume that their application will automatically be granted. Only those applicants who are considered to be fit and proper by Wyre Council, having regard to the criteria laid out in this Policy, will be granted licences.

22. Summary

- 22.1 Whilst a criminal history may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for between 5 and 10 years, depending on the type of offence committed, before an application can be considered.
- 22.2 If there is any doubt as to the suitability of an individual to be licensed, the Licensing Committee must be mindful of the overriding duty to protect the public and caution should be exercised.
- 22.3 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 to be licensed. A series of offences over a period of time is more likely to give more cause for concern than an isolated conviction. Some discretion can be afforded if an offence disclosed is isolated or there are strong mitigating circumstances, but the overriding consideration is the protection of the public.

Annex 1 - Motoring offences and penalty points

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 also incur a disqualification.

Source: [Gov UK Website](#) Nov 20

Code	Offence	Points	Endorsement remains on licence (years)
Accident Offences			
AC10	Failing to stop after an accident	5-10	4 Offence
AC20	Failing to give particulars or to report an accident within 24 hours	5-10	4 Offence
AC30	Undefined accident offences	4-9	4 Offence
Disqualified Driver			
BA10	Driving whilst disqualified by order of court	6	4 Offence
BA30	Attempting to driver while disqualified by order of court	6	4 Offence
BA40	Causing death by driving while disqualified	3-11	4 Conviction
BA60	Causing serious injury by driving while disqualified	3-11	4 Conviction
Careless Driving			
CD10	Driving without due care and attention	3-9	4 Offence
CD20	Driving without reasonable consideration for other road users	3-9	4 Offence
CD30	Driving without due care and attention or without reasonable Consideration for other road users	3-9	4 Offence
CD40	Causing death through careless driving when unfit through drink	3-11	11 Conviction
CD50	Causing death by careless driving when unfit through drugs	3-11	11 Conviction
CD60	Causing death by careless driving with alcohol level above the limit	3-11	11 Conviction
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3-11	11 Conviction
CD80	Causing death by careless, or inconsiderate, driving	3-11	4 Conviction
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3-11	4 Conviction
Construction & Use Offences			
CU10	Using a vehicle with defective brakes	3	4 Offence
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	4 Offence
CU30	Using a vehicle with defective tyre(s)	3	4 Offence
CU40	Using a vehicle with defective steering	3	4 Offence
CU50	Causing or likely to cause danger by reason of load or passengers	3	4 Offence
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3-6	4 Offence
Dangerous Driving			
DD10	Causing serious injury by dangerous driving	3-11	4 Conviction
DD40	Dangerous Driving	3-11	4 Conviction

Code	Offence	Points	Endorsement remains on licence (years)
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11	4 Conviction
DD80	Causing death by dangerous driving	3-11	4 Conviction
DD90	Furious Driving	3-9	4 Conviction
Alcohol			
DR10	Driving or attempting to drive with alcohol level above limit	3-11	11 Conviction
DR20	Driving or attempting to drive while unfit through drink	3-11	11 Conviction
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11	11 Conviction
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	3-11	11 Conviction
DR40	In charge of a vehicle while alcohol level above limit	10	4 Offence #
DR50	In charge of vehicle while unfit through drink	10	4 Offence #
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10	4 Offence #
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	11 Conviction
DR70	Failing to co-operate with a preliminary test	4	4 Offence #
Drugs			
DG10	Driving or attempting to drive with drug level above the specified limit	3-11	11 Conviction
DG40	In charge of a vehicle while drug level above specified limit	10	4 Offence #
DG60	Causing death by careless driving with drug level above the limit	3-11	11 Conviction
DR80	Driving or attempting to drive when unfit through drugs	3-11	11 Conviction
DR90	In charge of a vehicle when unfit through drugs	10	4 Offence #
Insurance Offences			
IN10	Using a vehicle uninsured against third party risks	6-8	4 Offence
Licence Offences			
LC20	Driving otherwise than in accordance with the licence	3-6	4 Offence
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6	4 Offence
LC40	Driving a vehicle having failed to notify a disability	3-6	4 Offence
LC50	Driving after a licence has been cancelled or refused on medical ground	3-6	4 Offence
Miscellaneous Offences			
MS10	Leaving a vehicle in a dangerous position	3	4 Offence
MS20	Unlawful pillion riding	3	4 Offence
MS30	Play street offences	2	4 Offence
MS50	Motor racing on the highway	3-11	4 Offence

Code	Offence	Points	Endorsement remains on licence (years)
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3	4 Offence
MS70	Driving with uncorrected defective eyesight	3	4 Offence
MS80	Refusing to submit to an eyesight test	3	4 Offence
MS90	Failure to give information as to identity of driver etc.	6	4 Offence
Motorway Offences			
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3	4 Offence
Pedestrian Crossings			
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3	4 Offence
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3	4 Offence
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3	4 Offence
Speed Limits			
SP10	Exceeding goods vehicle speed limits	3-6	4 Offence
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6	4 Offence
SP30	Exceeding statutory speed limit on a public road	3-6	4 Offence
SP40	Exceeding passenger vehicle speed limit	3-6	4 Offence
SP50	Exceeding speed limit on a motorway	3-6	4 Offence
Traffic Directions and Signs			
TS10	Failing to comply with traffic light signals	3	4 Offence
TS20	Failing to comply with double white lines	3	4 Offence
TS30	Failing to comply with 'Stop' sign	3	4 Offence
TS40	Failing to comply with direction of a constable/warden	3	4 Offence
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3	4 Offence
TS60	Failing to comply with a school crossing patrol sign	3	4 Offence
TS70	Undefined failure to comply with a traffic direction sign	3	4 Offence
Special Code			
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver can be disqualified		4 Conviction
Theft or Unauthorised Taking			
UT50	Aggravated taking of a vehicle	3-11	4 Offence

These offences are endorsed on a licence for 4 years from the date of offence, unless a disqualification was imposed, in which case it is 4 years from the date of conviction.

Aiding, abetting, counseling or procuring - Offences as coded, but with 0 changed to 2. **Causing or permitting** - Offences as coded, but with 0 changed to 4.

Inciting - Offences as coded, but with the end 0 changed to 6.



Standard Conditions attached to a Dual Driver Licence

Wyre Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary. All such changes will notified in writing.

1. Driver Licences

Licence holders shall deliver to their relevant Private Hire Operator, a copy of their licence. The Private Hire Operator shall be responsible for the safe custody of the licence, throughout the period that they despatch the driver to fulfil bookings on their behalf.

2. Change of Operator

Licence holders must notify the Licensing Unit, in writing, within 7 days, if they change Private Hire Operator.

3. Change of address

Licence holders must notify the Licensing Unit, in writing, within 7 days, of any change of address.

4. Medical fitness

- 4.1 Licence holders must notify the Licensing Unit, in writing, within 7 days, of any changes to their health, whether permanent or temporary, which affects or may affect their ability meet the Group 2 Standard or drive a licensed vehicle.
- 4.2 This includes, but not exhaustively, the following: - heart attack, angina, diabetes, epilepsy, stroke, any surgical operation, any bone fracture or dislocation of a joint, or alcohol or drug addiction or dependency.
- 4.3 An Authorised officer may suspend the licence, if the medical condition is such that it is in the interest of public safety to do so.

5. Requirements to report convictions & associated incidents, or provide documentation

- 5.1 Licence holders must report any of the following events to the Licensing Unit, in writing, within 48 hours, giving full details of:-
 - i Any conviction or finding of guilt in a civil, criminal or driving matter;
 - ii Any caution issued by the Police or any other agency;
 - iii Any issue of a Magistrate's Court summons against them;
 - iv Any issue of a fixed penalty notice for any matter;
 - v Any harassment or other form of warning, or order, within criminal law;
 - vi Any arrest for any offence (whether or not subsequently charged)
- 5.2 Licence holders must produce upon request, such documentation as the Council may require, in order to confirm that they have the legal right to remain, reside and work in the UK, or any other document that the Council may reasonably require, pursuant to its' duty to be satisfied that the licence holder remains a fit and proper person.

6. Training to expected standards of service and safety

- 6.1 An Authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training. Such a requirement would be in writing and if applicable, the cost of such training will be borne by the licence holder.
- 6.2 If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training, or attain the training accreditation, the licence may be suspended or revoked.

7. Driver badges

- 7.1 Licence holders must at all times, when driving a licensed vehicle, display the driver's badge issued by the Council, in a prominent place on the outer clothing, at the front of the upper body.
- 7.2 In the event of loss or damage, the Licensing Unit must be informed within 7 days, so that a replacement licence can be issued, in return for the prescribed fee.
- 7.3 The badge issued by the Council, remains the property of the Council and must be returned on request, should the licence be suspended, revoked or become invalid for any other reason.

8. Touting

- 8.1 Licence holders must not wait in a private hire vehicle at any public place, other than in connection with a pre-arranged booking.
- 8.2 Licence holders must not tout or solicit on a road or any other public place, any person to hire or be carried for hire in any private hire vehicle.

"Road" means any highway, or any other road to which the public have access, including bridges over which a road passes.

"Public Place" includes car parks attached to public houses, clubs, night clubs, restaurants and any other places of entertainment.

9. Fare to be demanded & issuing of receipts

Licence holders must not demand from any hirer, a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the Licence holder must not demand from any hirer, a fare in excess of that shown on the face of the meter.

10. Guide Dogs & Assistance Dogs

- 10.1 Licence holders must carry a Guide Dog, or Assistance Dog, belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude them from doing so.
- 10.2 Licence holders must produce to the Licensing Unit, a medical certificate signed by their General Medical Practitioner, to prove such a medical condition, on their application for a Dual Driver Licence, or if he/she develops such a medical condition after the grant of a licence as soon as they are aware of it.
- 10.3 Licence holders must also make his/her Operator aware of any such medical condition at the time of commencement of working for that Operator, or as soon as they are aware of such a medical condition, whichever is the earlier.
- 10.4 "Guide dog" means a dog, which assists a person with sight impairment.
- 10.5 "Assistance dog" means a dog which assists a person with a hearing or other impairment.



Code of Conduct for Licensed Drivers

Licence holders shall endeavour to promote the image of a professional Hackney Carriage and Private Hire trade by:

- Complying with the Code of Conduct,
- Complying with all the conditions of their licence, the Hackney Carriage and Private Hire Licensing Policy and where applicable the Hackney Carriage Byelaws,
- Behaving in a civil, orderly and responsible manner at all times.

Promotion of professional standards

Licence holders shall:

- Pay attention to personal hygiene and adhere to the dress code for drivers,
- Not consume food and/or drink whilst customers are present in the vehicle,
- Keep vehicles clean and suitable for hire to the public at all times,
- Respect authorised officers during the normal course of their duties and comply with any reasonable requests from an officer,
- Attend punctually when undertaking a pre-booked hiring,
- Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans-gender, religion or belief.

Protection of public health and safety

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times,
- Not consume alcohol immediately before or at any time whilst driving a licensed vehicle,
- Not drive whilst under the influence of drugs (legal or illegal) which may affect their awareness and capability,
- Comply with appropriate legislation regarding the length of working hours,
- Drive with care and due consideration for other road users and pedestrians,
- Obey all Traffic Regulation Orders and directions at all times,
- Not use a hand held mobile phone whilst driving,
- Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle,
- Offer passengers reasonable assistance with luggage, unless exempted by the Council under the Equality Act 2010,
- Not smoke or use electronic cigarettes (or similar devices) in the vehicle at any time,
- Assist, where necessary, passengers into and out of vehicles.

Protection of the environment

To avoid nuisance to residents when picking up or waiting for a fare, Licence holders shall:

- Not sound the vehicle horn illegally,
- Keep the volume of radio/music to a minimum,
- Switch off the engine if required to wait,

At private hire offices

Licence holders shall:

- Not undertake servicing or repairs of vehicles,
- Not allow their radio/music to cause disturbance to residents,
- Take whatever additional action is necessary to avoid disturbance to residents which may arise from the conduct of their business.

At taxi ranks a licence holder shall:

- Rank in an orderly manner and proceed along the rank in order, moving along promptly,
- Remain in or near to the vehicle,
- Behave in a respectful manner to other drivers, members of the public, passengers and authorised officers,
- Comply with any reasonable directions from an authorised officer.

Working with vulnerable passengers

A vulnerable passenger is a person whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person, someone with learning difficulties or other disability and can include people who are vulnerable due to intoxication.

The driver or operator should confirm that appropriate provision has been made for the vulnerable person, prior to accepting the booking, or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however they should check that they are in place.

If a vulnerable passenger is refused service, a responsible person should be informed so that alternative arrangements can be made. For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.

Drivers should remain professional at all times and must never:

- Touch a vulnerable person inappropriately,
- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language),
- Behave in a way that may make a vulnerable passenger feel intimidated or threatened,
- Attempt to misuse personal details obtained via the business about a vulnerable person,
- Share personal information or befriend someone via social media.

If you are concerned about the safety, welfare or behaviour, of a vulnerable person or someone else's conduct, you should report your concerns to Lancashire Constabulary's Awaken Team on 01253 477 261, or 101, or 999 in an emergency.



Byelaws for Hackney Carriage or Private Hire Vehicles

Hackney Carriage Vehicles

Dated 10 May 1977 - Operational from 24 June 1977

Made under section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Wyre Borough Council with respect to hackney carriages in the Borough of Wyre.

Interpretation

1. Throughout these byelaws “the Council” means the Wyre Borough Council, “the district” means the Borough of Wyre. Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.
2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto
 - (b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in a position as to be readily available for use;

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause the same to be provided with the taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say;
- (i) If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":-
 - (a) The words "FOR HIRE" shall be exhibited on each side of the flag or other device in plain letters at least 8 centimetres in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible:
 - (b) when the flag or other device is so locked that the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible:
 - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
 - (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the meter;
 - (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (iv) The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (v) The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:-
- (a) the sign shall bear the words "FOR HIRE" in plain letters at least 4 centimetres in height;

- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

6. The driver of a hackney carriage shall:-

- (i) if the taximeter is fitted with a flag or other device bearing the words "FOR HIRE" :-
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;
- (ii) if the taximeter is not fitted with a flag or other device bearing the words "FOR HIRE":-
 - (a) when standing or plying for hire, keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage;
 - (b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage;
 - (c) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRE" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.

7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

8. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,

- (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
- (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorized to occupy it, proceed to another stand;
- (c) on arriving at a stand not already occupied by the full number of carriages authorized to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

10. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

11. The proprietor or driver of a hackney who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

12. The driver of a hackney carriage when asked to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified in the licence, which said number shall be indicated on the plate affixed to the outside of the carriage or otherwise marked on the carriage in such manner as the Council deems appropriate.

14. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear the badge in such position and manner as to be plainly visible.

15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the stands of hackney carriages:

16. Each of the several places specified in the list of hackney carriage ranks shall be a stand for such number of hackney carriages as is specified in the list (list available at the Wyre Borough Council Taxi Office).

17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table (please ask for a current tariff card), the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to be engaged by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorized by the following table which it may not be possible to record on the face of the taximeter (table available at the Wyre Borough Council Taxi Office).

18. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

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

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

19. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

20. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district, and leave it in the custody of the officer in charge of the office on his giving a receipt for it,
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station whichever be the greater) but not more than five pounds.

Penalties

21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

Repeal of Byelaws

22. The byelaws relating to hackney carriages which were made:-

- (a) by the Poulton-le-Fylde Urban District Council on the 27th day of November 1972 and which were confirmed by the Secretary of State on the 30th day of January 1973;
- (b) by the Thornton Cleveleys Urban District Council on the 28th day of July 1972 and which were confirmed by the Secretary of State on the 6th day of October 1972; and
- (c) by the Mayor, Aldermen and Burgesses of the Borough of Fleetwood on the 14th day of June 1973 and which were confirmed by the Secretary of State on the 22nd day of November 1973, and
- (d) by the Urban District Council of Preesall with Hackensall on the 20th day of May 1901 and which were allowed by the Local Government Board on the 6th day of June 1901

are all hereby repealed.

Byelaws - Private Hire Vehicle

Dated 11 May 1977

Operational from 1st day of July 1977

Made under Section 17(1) of the Lancashire County Council (General Powers) Act 1971 by the Wyre Borough Council for the regulation of private hire vehicles in the area of the Borough of Wyre

Interpretation

1. Throughout these byelaws:-

‘the Council’ means Wyre Borough Council

‘the Borough’ means the Borough of Wyre

‘the Hackney Carriage Byelaws’ means the byelaws as to hackney carriages made by the Wyre Borough Council and confirmed by one of Her Majesty’s Principle Secretaries of State currently in force in the Area of the Borough of Wyre.

‘The private hire vehicle’ means a motor vehicle (within the meaning of the Road Traffic Act 1960) not being a vehicle licensed under the provisions of the Town Police Clauses Act 1847, with respect to hackney carriages, which is kept for the purpose of being let out for hire with a driver for the carrying of passengers in such circumstances, that it does not require to be licensed under the said provisions, but does not include:-

- a) a vehicle which is kept and used ordinarily for the purpose of being let out for hire by the day or for longer periods of hire;
- b) a vehicle kept by any person in conjunction with any business carried out by him as a funeral director or undertaker and used wholly or mainly in conjunction with that business or;
- c) a public service vehicle as defined in Section 117 of the said Act of 1960.

Provisions of The Town Police Clauses Act 1847, applicable to Private Hire Vehicles

2. The following provisions of the Town Police Clauses Act 1847, shall apply to private hire vehicles as if they were in terms applicable thereto (that is to say):-

Section 37 (Commissioners may licence hackney carriages)

Section 40 (Person applying for licence to sign a requisition)

Section 41 (What shall be specified in the licences)

Section 42 (Licences to be registered)

Section 43 (Licence to be in force for one year only)

Section 44 (Notice to given by proprietors of any change of abode)

Section 45 (Penalty for plying for hire without a licence)

Section 46 (Drivers not to act without first obtaining a licence)

Section 47 (Penalty on drivers acting without licence, or proprietor employing unlicensed drivers)

Section 48 (Proprietor to retain licence of driver while in his employ and to produce the same before Justices on complaint)

Section 49 (Proprietor to return licence to driver when leaving his service, unless guilty of misconduct, in which case proprietor to summon driver)

Section 50 (Licences of proprietors or drivers may be suspended or revoked on a second conviction)

Section 59 (Penalty for permitting persons to ride without consent of hirer)

Section 60 (Driver of carriage not to permit other person to act as driver without consent of proprietor)

Section 61 (Penalty for drivers misbehaving)

Section 63 (Damage done by driver may be recovered from proprietor)

Section 65 (Justices empowered to award compensation to drivers for loss of time in attending to answer complaints not substantiated)

Provisions of the Hackney Carriage Byelaws applicable to private hire vehicles

3. The following provisions of the Hackney Carriage Byelaws shall apply to private hire vehicles as if they were in terms applicable thereto (that is to say):-

Byelaw 3 (Regulating how hackney carriages are to be furnished or provided)

Byelaw 10 (Regulating the dress and conduct of drivers or proprietors and the safety of passengers)

Byelaw 11 (Driver to attend at an appointed time)

Byelaw 12 (Driver to proceed by shortest available route)

Byelaw 14 (Driver to wear badge)

Byelaw 19 (Search of carriage after a hiring)

Byelaw 20 (Reporting articles found)

Byelaw 21 (Penalties)

This page is intentionally left blank



Standard Conditions attached to a Hackney Carriage Licence

The following conditions are equally applicable when the Hackney Carriage is being used for private hire purposes and failure to comply with any of them, may result in the Hackney Carriage Vehicle licence being suspended or revoked.

Wyre Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.

1. This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by any other Council. If the Licensing Authority are made aware of other vehicle licences (Hackney Carriage or Private Hire) running concurrently within this licence, the licence will be revoked.
2. A licence in respect of which the fee has been paid for either in part or in full by cheque shall be of no effect, in the event that cheque is subsequently dishonoured.
3. The vehicle must be fitted with an illuminated roof sign on which the word 'Taxi' must appear and be clearly visible from in front of the vehicle. The roof sign must:
 - a. Be securely fixed to the vehicle roof at all times.
 - b. Illuminated automatically when the vehicle taximeter is set to 'for hire'
4. The taximeter must be of a design approved by the Council and be sealed in a manner approved by the Council.
5. A copy of the current table of fares (tariff card), as supplied by the Council, must be displayed on the inside of the vehicle, so as to be clearly visible to any person carried in the vehicle. This table of fares must not have been altered in any way.
6. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without written approval of the Council at any time while the licence is in force.
7. Plates provided by the council identifying the vehicle as a hackney carriage must be affixed to the front and rear of the vehicle in a position specified by the Council. The plates shall be capable of being easily removed by a Police Constable or Authorised Officer of the Council.
 - a. The proprietor shall cause to be clearly marked and maintained inside the vehicle an internal licence in such a position as to be visible at all times to persons conveyed therein, the number of this licence and the number of passengers prescribed in this licence.
 - b. The number of passengers conveyed in the vehicle must not be more than the number prescribed in the licence, regardless of the age or size of the passenger.
 - c. The external plate must not be displayed from the interior of the vehicle.

8. The use of electronic equipment in the vehicle, other than that necessary for communication between the vehicle and its control/operations centre (if any) is prohibited.
9. A Hackney Carriage vehicle may only be used to ply for hire from a taxi rank or public highway, or on private land, with consent from the landowner, within the Borough of Wyre.
10. A Hackney Carriage vehicle must not be left unattended on any Hackney Carriage rank.
11. All signs and licence plates issued remain the property of the Council. On surrender, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the Council within 7 days.
12. The proprietor of the vehicle shall at reasonable times permit an authorised officer or police constable to inspect the vehicle or any taximeter affixed to it, to ascertain its fitness.
13. The vehicle must be kept in good condition and meet the following criteria at all times:
 - a. Vehicles must have no damage affecting the structural safety of the vehicle.
 - b. The body of the vehicle must be watertight and draught proof.
 - c. Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
 - d. Vehicles must not have any major dents or similar damage to the bodywork.
 - e. All panels should be uniform in colour.
 - f. All seats, including the drivers, should be fully intact and free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must be carried out in a professional manner. Seat covers are acceptable provided they meet the above standard.
 - g. All carpets and floor coverings should be complete and free from major cuts, tears or obvious stains.
 - h. All interior trim, including headlining, must be clean, complete, properly fitted and free from serious cuts, tears or staining.
 - i. The luggage compartment should be clean and tidy.
14. All factory fitted glass to the front of the driver's door pillar vehicle, must permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.
15. There must be provided and maintained in the vehicle at all times, a suitable fire extinguisher.
16. The vehicle must have at least four road wheels and tyres fitted in accordance to the manufacturer's specification. A road legal spare wheel, space saver wheel or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. A spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

This condition will not be applied to any vehicle fitted with run flat tyres that were fitted and supplied to the specification of the manufacturer.
17. Where CCTV is installed in a vehicle, it must comply with the Hackney Carriage and Private Hire Licensing Policy.
18. A proprietor must, in the event that they transfer their interest in the vehicle:
 - a. Notify the Council forthwith and in any event, in writing within 14, days of the name and address of the person to whom they have transferred their interest.

b. Complete any documentation required by the Council.

19. The licence holder must within 72 hours supply the Licensing Unit with details of any:

- a. Change of the vehicle proprietor's address.
- b. Change of premises where the vehicle is normally kept.
- c. Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

The notification may be by oral report in the first instance, but must be followed up in writing within 7 days.

20. The vehicle must display no-smoking signs, in accordance with the Health Act 2006.

21. All signage or livery displayed on or in a licensed hackney carriage must relate only to the provision of hackney carriage services by that vehicle, or be otherwise prescribed in law and must be professionally prepared and printed and maintained in good order.

22. Any animal belonging to a passenger should be conveyed in the rear seating area of the vehicle and shall when necessary, be restrained so as not to present a nuisance or hazard to the occupants of the vehicle;

Notwithstanding anything in this condition, a blind or otherwise disabled passenger shall be entitled as of right, to be accompanied by a guide/assistance dog, at no extra charge, unless the driver has been granted an exemption from the Disability Discrimination Act 1995.

23. Any space within the vehicle designed to carry luggage or similar, must not be used to transport babies/children in pushchairs/prams.

24. A copy of these conditions along with the Hackney Carriage Byelaws must be kept in the licensed Hackney Carriage vehicle at all times and made available upon request to any passenger, authorised officer or police constable.

This page is intentionally left blank

APPENDIX 6

Fleetwood Ranks		
Location	Number of taxis	24 hours or times
London Street (north) near Wyre Light pub	4	24 hours
London Street (south) near Thomas Drummond pub	4	24 hours
Chatsworth Avenue, near the shops	4	24 hours
Kemp Street, near Dock Street junction	3	22:00 – 02:00
Victoria Street, opposite library	2	24 hours
Manor Road, near the Esplanade junction	2	24 hours
Dock Street, outside the café	5	24 hours
Adelaide Street, near the HSBC bank	4	24 hours
Grange Road, off Westview roundabout	3	24 hours
Brook Street, opposite the Cricket Club near shops	3	24 hours
Darbishire Road, near Poulton Road junction	2	24 hours
Kemp Street, outside Peacocks shop	2	24 hours
Promenade Road, near Mount pub	2	24 hours
Larkholme Parade, shopping centre	3	24 hours
Broomfield Road near Lindel Road junction	2	24 hours
Pharos Street, outside the hospital	1	24 hours
Lord Street, near the post office	2	08:00 – 18:00
Harbour Lights, near amusements and shops	5	24 hours
The Esplanade, outside North Euston Hotel	4	24 hours
Styan Street, corner of Cop Lane, behind Asda	2	24 hours
Birch Street, near old Bingo Hall	2	18:00 – 22:00

Thornton Cleveleys Ranks		
Location	Number of taxis	24 hours or times
Slinger Street, near Derby Road car park	4	24 hours
North Drive, near play park and shops	2	24 hours
Leslie Avenue, near Lawson Road shops	1	24 hours
Victoria Road West, near Jolly Tars pub	2	24 hours
Victoria Road West, near Tramway pub	1	24 hours
Victoria Road West, near Regal Hotel	3	24 hours
Victoria Road West, opposite Argos	2	24 hours
Beach Road, near Travellers Rest pub	2	24 hours
Poachers Ways, near the Bourne Poacher pub	2	24 hours
Princess Street, near B+M	3	24 hours
Cleveleys Avenue, near Kwik Fit	2	24 hours
Nutter Road, near Wilkinsons	5	24 hours
Church Road, Doctors surgery	4	24 hours
Rosendale Avenue South, near the Ashley Club	1	24 hours
Poulton-le-Fylde Ranks		
Breck Road, outside railway station	4	24 hours
Ball Street, opposite bus layby	2	24 hours
Ball Street, outside Thatched House pub	6	18:00 – 06:00
Wheatsheaf Way, near the Elk pub	3	10:00 – 16:00



Standard Conditions attached to a Private Hire Vehicle Licence

Wyre Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.

1. This licence is issued on the condition that the vehicle to which it relates is not licensed as either a Hackney Carriage or Private Hire Vehicle by any other Council. If the licensing unit becomes aware of other vehicle licences (Hackney Carriage or Private Hire) running concurrently within this licence the licence will be revoked.
2. A licence in respect of which the fee has been paid for either in part or in full by cheque shall be of no effect in the event that cheque is subsequently dishonoured.
3. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without written approval of the Council at any time while the licence is in force.
4. The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, must be securely fixed, externally to the rear of the vehicle and in such manner as to be easily removed by an authorised officer of the Council or a constable.
 - a) The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein, the number of this licence and the number of passengers prescribed in this licence
 - b) The number of passengers conveyed in the vehicle must not be more than the number prescribed in the licence, regardless of the age or size of the passenger.
 - c) Door stickers issued by the Council must be displayed at all times that a private hire vehicle licence is in force.
5. All signs and licence plates issued remain the property of the Council. On surrender, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates within 7 days.
6. The use of electronic telecommunications equipment in the vehicle, other than the necessary for communication between the vehicle and its control/operations centre is prohibited.
7. A private hire vehicle must not be used to ply for hire from a taxi rank, or in any other such manner which may give members of the public the impression that it is a taxi.
8. The vehicle proprietor must not cause or procure any other person to tout or solicit on a road or other public place, any person to hire or be carried for hire in a private hire vehicle.

“road” means any highway and any other road to which the public have access, including bridges over which a road passes.

“Public place” includes car parks attached to public houses, clubs, night clubs, restaurants and any other places of entertainment.

9. The licence holder must within 72 hours supply the Council with details of any:
 - a) Change of the owners address.
 - b) Change of premises where the vehicle is normally kept.
 - c) Accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

The Notification may be by oral report in the first instance, but must be followed up in writing within 7 days of oral notification.

10. The proprietor of the vehicle must at all reasonable times, permit an authorised officer or police constable to inspect the vehicle or any taximeter affixed to it, to ascertain its fitness.
11. The vehicle must be kept in good condition and meet the following criteria at all times:
 - I. Vehicles must have no damage affecting the structural safety of the vehicle.
 - II. The body of the vehicle must be watertight and draught proof.
 - III. Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
 - IV. Vehicles must not have any major dents or similar damage to the bodywork.
 - V. All panels should be uniform in colour.
 - VI. All seats, including the drivers, must be fully intact and free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided they meet the above standard.
 - VII. All carpets and floor coverings should be complete and free from all major cuts, tears or obvious stains.
 - VIII. All interior trim, including headlining, should be clean, complete, properly fitted and free from serious cuts, tears or staining.
 - IX. The luggage compartment should be clean and tidy.
12. All factory fitted glass to the front of the driver’s door pillar, must permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or darken the glass.
13. There must be provided and maintained in the vehicle at all times, a suitable fire extinguisher.
14. The vehicle must have at least four road wheels and tyres fitted in accordance to the manufacturer’s specification. A road legal spare wheel or space saver wheel or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel must be carried in the vehicle in the place allocated by the manufacturer.

This condition will not be applied to any vehicle fitted with run flat tyres which were fitted and supplied to the specification of the manufacturer.

15. Where CCTV is installed in a vehicle, it must comply with the Hackney Carriage and Private Hire Licensing Policy.
16. The vehicle must display no-smoking signs in accordance with the Health Act 2006.
17. All signage or livery displayed on or in a licensed private hire vehicle must relate only to the Private Hire Operator, or be otherwise prescribed in law and must be professionally prepared and printed and maintained in good order.
18. A Private Hire Company operating solely with private hire vehicles must not use the word TAXI within the company name or in any advertising.
19. The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars, this means that there must be a secure guard fitted between the luggage and passenger compartments.
20. Luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.
21. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be restrained so as not to present a nuisance or hazard to the occupants of the vehicle;

Notwithstanding anything in (21) a blind or otherwise disabled passenger shall be entitled as of right, to be accompanied by a guide/assistance dog, at no extra charge, unless the driver has been granted exemption from the Disability Discrimination Act 1995.
22. Any space within the vehicle designed to carry luggage or similar, must not be used to transport babies/children in pushchairs/prams.
23. A copy of these conditions must be kept in the licensed private hire vehicle at all times and made available upon request to any passenger, authorised officer or police constable.

This page is intentionally left blank



Standard Conditions for Stretched Limousines

1. Licensed limousines must comply at all times with the requirements of Road Traffic legislation.
2. Stretched limousines must comply with the existing conditions of a Private Hire Vehicle Licence insofar as they are not superseded by these conditions and the local private hire licence fee shall be the same
3. The Proprietor of a limousine must:-
 - (i) Ensure that a suitable fire extinguisher should be mounted on brackets, in a convenient position in the driver's compartment;
 - (ii) Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reason for non-compliance is rectified;
 - (iii) Ensure that loose luggage is not carried within the passenger compartment of the vehicle;
 - (iv) Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council and are operated in accordance with the Licensing Policy
4. The passenger compartment of the vehicle may be fitted with darkened or blackened glass.
5. The vehicle shall not be used for every day Private Hire use.
6. The proprietor of the vehicle must:-
 - (i) Ensure that the vehicle is at all times only driven by a person who holds a current driver's licence issued by Wyre Council;
 - (ii) Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
 - (iii) Not convey any passengers in the front compartment of the vehicle;
 - (iv) Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence permitting the sale or supply of the same.
7. The vehicle will not be required to display the front and rear, external private hire vehicle licence plates. The Council will issue the vehicle proprietor with two internal

licences which identify the vehicle as a private hire vehicle, and includes the registration number of the vehicle and the number of passengers permitted to be carried.

8. The proprietor must ensure that:-
 - (i) One licence is displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen and read from the outside of the vehicle. The other shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) so as to be visible to persons conveyed therein;
 - (ii) No Private Hire Limousine Vehicle licence shall be lent or used on any other vehicle and the loss or damage of a vehicle licence must be reported to the Council as soon as the proprietor is aware of it. In the event that the vehicle is to be no longer used for private hire (special event) purposes, the proprietor must surrender the vehicle licence to the Council within seven days.
9. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.
10. There must be in force a current:-
 - MOT and Certificate of Compliance.
 - Policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder.
11. These documents must be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.



Standard Conditions attached to a Private Hire Operator licence

Wyre Council reserves the right to add, amend or waive conditions attached to the grant of a licence as and when it deems necessary.

1. The operator must keep comprehensive records of all bookings taken. All records kept by the operator shall be securely retained and preserved for a period of not less than six months following the date of the last entry.
2. Before the commencement of each private hire journey, the following details must be recorded:-
 - a) The date and time of each booking.
 - b) The name and address of the person making the booking.
 - c) The pick-up point **and the destination**
 - d) The licence number of the vehicle despatched to fulfil the booking.
 - e) The licence number of the driver despatched to fulfil the booking.
 - f) The date, time and place of departure of the person(s) to be carried.
 - g) The identity of the person making the above mentioned entries in record.
 - h) Any fare quoted for the journey.
 - i) Where the booking is sub-contracted to, or from another operator, the name of that operator.
3. The licensed operator must keep a written record of the type, design and registration number of all vehicles operated by him as Private Hire Vehicles within the meaning of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
4. The licensed operator must keep a written record of the name, licence number and expiry date, in respect of each driver, used or employed by him, to fulfil bookings.
5. **Records including the full name, address, date of birth and National Insurance number, safeguarding training and Basic DBS check of all dispatch staff, who are not also Licensed Driver's, shall be maintained and made available to an authorised officer of the Council on request.**
6. All vehicles and drivers used and employed by the Private Hire Operator must hold a valid licence issued by Wyre Council.
7. The Operator must notify the Licensing Unit as soon as they become aware, of any driver used or employed by them who has:-
 - i Any new conviction or finding of guilt in a civil, criminal or driving matter;
 - ii Any new caution issued by the Police or any other agency;
 - iii Any new issue of a Magistrate's Court summons against them;
 - iv Any new issue of a fixed penalty notice for any matter;

- v Any new harassment or other form of warning, or order, within criminal law including Anti-Social Behaviour Orders or similar;
 - vi Any new arrest for any offence (whether or not subsequently charged)
 - vii Or of any change of address during the currency of the driver's licence.
8. The Operator must maintain a register of complaints by the public which include:
- Date and time complaint made
 - Name and contact details of the complainant
 - Nature of complaint
 - Full details of journey involved (including date/time/name of customer)
 - Driver/vehicle involved
9. Where a complaint or allegation is:
- Of sexual misconduct, sexual harassment or inappropriate sexual attention
 - Racist behaviour
 - Violence
 - Dishonesty
- The operator must advise the Council immediately they are made aware of such a complaint or allegation.
10. The operator shall not cause or procure any other person to:-
- a) Wait with a Private Hire Vehicle at any public place other than in connection with a pre-arranged booking.
 - b) Tout or solicit on a road or other public place any person to hire or be carried for hire in a Private Hire Vehicle.
- 'Road' means any highway and any other road to which the public has access including bridges over which a road passes.
- 'Public place' includes car parks attached to public houses, clubs, night clubs, restaurants and any other places of entertainment.
11. The Operator must not allow any private hire vehicle proprietor to allow any other person to refuse a reasonable request to carry a guide dog accompanying a blind passenger or an 'assistance dog' accompanying a disabled person.
12. The Operator shall only operate from the booking office address specified on the licence, within the Borough of Wyre.
13. Where an Operator provides facilities for members of the public to enter the premises specified on the licence, to make a booking or wait for a licensed vehicle, the premises must be maintained in a clean and tidy condition, be adequately lit, heated and ventilated and where a waiting area is provided, have adequate seating facilities.
14. The current Private Hire Operator's Licence must be displayed at the business premises to which the licence relates. Where provision is made for the general public to enter the premises, the Licence must be displayed in a prominent position where it can be easily read by members of the public.

APPENDIX 9

15. If sanitary and washing facilities are provided for customers and/or staff they must be clean, easily accessible and have a supply of hot and cold running water, soap and a suitable means to dry hands.
16. If separate male and female facilities are not provided, any WC must be self-contained and in a room that is capable of being locked from the inside to prevent access by more than one person at a time.
17. Licensed Operators shall have in force a suitable public liability insurance policy incident where there is public access to a booking office.
18. Licensed Operators shall, where appropriate, have suitable employer's liability insurance.
19. A Private Hire Company, operating solely with private hire vehicles must not use the word TAXI within the Company name or in any advertising.
20. Where any Operator in the course of their business, uses the trading name or business address specified on the Operator licence, to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words TAXI unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is at least 51% of the total fleet.
21. An Operator, when disposing of any business interest, must give notice in writing within 14 days to the Licensing Authority that the business registered in his/her name has terminated.
22. Operators shall ensure that any dispatch staff they employ, who are not also licenced drivers, complete the online training package, "an introduction to Child Sexual Exploitation (CSE)" provided via Lancashire County Council's website. Training records should be held by the operator and made available to any authorised officer of the Council, on request.
23. During the lifetime of an Operator's licence, an authorised officer of the Council may require the licence holder and/or specified employees to undertake reasonable and appropriate training. The cost (if any) of such training will be borne by the licence holder and all such requirements, will be made in writing.
24. If there is a refusal or failure to attend, or the licensed Operator or specified employees do not meaningfully participate in the training, or attain the training accreditation, the licence may be suspended or revoked.
25. Operators must not dispatch drivers who hold only a PCV licence in a public service vehicle, such as a minibus, to fulfil a private hire booking without the informed consent of the booker.
26. Every Licensed Private Hire Operator shall make themselves aware of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and any other relevant legislation, the Council's Licensing Policy and the standard conditions attached to the grant of a private hire operator, driver or vehicle licence.

This page is intentionally left blank



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	25 February 2021

Unmet Demand Survey

1. Purpose of report

1.1 To consider the timing and format of the next Unmet Demand Survey.

2. Outcomes

2.1 The Committee will decide whether to postpone the full rank survey scheduled for 2021 and whether to commission an alternative survey.

3. Recommendation

3.1 That the Committee postpone the full rank Unmet Demand Survey until 2022.

3.2 The Committee agree to commission LVSA to undertake the alternative survey work identified in **Appendix 1**.

4. Background

4.1 The Transport Act 1985 provides for a local authority to limit the number of hackney carriages in its area, but only if it is satisfied that there is no significant unmet demand for hackney carriages and that there are sufficient numbers of hackney carriages to service the needs of passengers within the Borough.

4.2 The number of hackney carriage licences issued in Wyre has been restricted to 160 since 1974.

4.3 The Department for Transport (DfT) recommends that unmet demand surveys should be undertaken at least every three years. The last survey was undertaken in Wyre over the summer of 2018.

5. Key issues and proposals

5.1 Wyre have for a number of years appointed LVSA to undertake its tri-annual Unmet Demand Survey over the summer months, to replicate the

time of year that previous surveys have been undertaken, in order to eliminate any seasonal variations.

- 5.2** Ordinarily the process of awarding this contract would begin now to allow for the consideration of a suitable supplier and pre-survey preparation work.
- 5.3** The coronavirus pandemic has severely impacted on the Hackney Carriage and Private Hire trade and its customers and at the present time there is no confidence that trade will return to pre-pandemic levels by the summer of 2021.
- 5.4** A lack of footfall in our towns and the resulting reduced demand for licensed vehicles, due to national or local restrictions is likely to continue for many months.
- 5.5** The results of any rank survey work undertaken in 2021 are therefore unlikely to be truly representative of the provision of Hackney Carriage services in the Borough.
- 5.6** Advice was sought from LVSA who provided a briefing note for the Authority to consider.
- 5.7** Their report indicates, “We agree that undertaking a full demand survey as in 2018 would not be appropriate at this point in time and that the best opportunity to undertake such a review might be during 2022, being a full year beyond the standard three-year guidance from the Department for Transport”.
- 5.8** It also suggests some alternative research and survey work that they could provide this year, to help the authority understand the impact of the pandemic when making policy decisions to ensure that the public have access to suitable and sustainable transport network.
- 5.9** The Committee are invited to consider postponing the scheduled Unmet Demand Survey until 2022.
- 5.10** The Committee are also invited to consider the alternative work offered by LVSA in lieu of the traditional rank based survey.
- 5.8** Should the Committee decide to simply postpone the survey, the £20 surcharge on a Hackney Carriage licence to cover the cost of the survey, would be suspended for a year.

Financial and legal implications	
Finance	Hackney Carriage vehicle licences attract a £20 surcharge which has been calculated to cover the cost (circa. £12,000) of the tri-annual UMD survey over each 3 year period. If the Committee decide to postpone the survey until 2022 this surcharge should be removed from the fees for 2021/22 to ensure that an unnecessary surplus

	does not build up. If the Committee agree to undertake the alternative survey work in 2021/22 with a view to completing the rank survey work in 2022/23 the HCV licence surcharge will be revised to reflect the variation in expenditure in due course.
Legal	The DfT's 2010 Taxi And Private Hire Vehicle Licensing: Best Practice Guidance indicates that survey should be undertaken at least every three years, but this is not a legally binding requirement.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	2 February 2021

List of background papers:		
name of document	date	where available for inspection

List of appendices

This page is intentionally left blank

Wyre Demand Survey**Introduction**

LVSA completed your demand survey, final report dated November 2018, including survey work undertaken in July 2018. Your report was presented and accepted on 31st January 2019. At that time the expectation was that limited review surveys would be undertaken over the peak weekend hours in Poulton during Summer 2020 given that observations there suggested the unmet demand observed there might become significant due to operational issues regarding that location.

At the end of March 2020 the COVID-19 pandemic led to a national lockdown that only began to be released in June. Various developments of the attempt to overcome the virus occurred, with a further national lockdown ending in early December 2020, followed by another (current) lockdown beginning early January with no current defined 'way out' plan. However, with vaccinations and strong pressure from economic players for need to prevent major issues for the economy there are various discussions regarding the future.

What is clear is that there will be no return to the exact economy that existed prior to the pandemic. Some changes made, such as much higher levels of working from home and therefore reduced commuting, will never be fully reversed. Patronage of heavy rail services is also expected to take much longer to be restored, and again peak flows are very likely to be strongly reduced. Many bus services may now become uneconomic and High Streets will need a lot of work to restore levels of footfall and usage that previously existed.

In normal circumstances, the proposal would be to undertake a fresh survey with rank observations in July 2021 or thereabouts. This timetable is based on the DfT April 2010 Best Practice Guidance (BPG) paragraph 49:

"49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys."

Our professional experience is that a maximum three year gap between rank survey work is generally the best test of change within any area. We have found numerous examples where delay has led to unforeseen consequences much harder to recover from. However, we would point out that the BPG points that the key is an authority being able to respond to any challenge to the satisfaction of a Court as the main determinant. Some

Scottish views of this have led to several Scottish authorities undertaking regular test surveys.

The other concern arising is that all unmet demand surveys to the start of the pandemic were undertaken where the principal change impacting on existence of unmet demand and its significance was change in passenger demand of various kinds. Main changes were closure of demand generators but there were also issues related to major growth in rank usage often related to growth in passenger rail demand or from new major developments within town centres. Our work since the pandemic has found that the supply side, often steadied by a limit policy, has even within that situation been severely impacted by what is now almost a year of severe disruption and challenge. This means that the original expectation that reduced demand would lead to improved service from a fixed number of vehicles and drivers, and therefore improved levels of unmet demand, can no longer be assumed. Even if vehicle numbers may have remained static they all need drivers to be of value and we have found that high levels of renting can lead to a less tied workforce making health choices that take them temporarily or permanently out of the industry.

In context of this, and the ongoing unknowns of the pandemic, you consider that undertaking a full demand survey in 2021 would be premature and you sought our views regarding the delay for a year.

You asked us to consider providing a note that would confirm that delay of the survey by a year would be reasonable, realistic and not to the disbenefit of the travelling public. You also sought comfort that it might not leave you open to potential challenge from new entrants seeking to enter the hackney carriage trade by vehicle ownership at this time.

We agreed to provide you with a note giving our views of the best way forward to ensure Wyre remained in an informed position regarding unmet demand as well as suggesting any other relatively cost-effective and expedient ways information could be used to understand and remediate as far as possible the impacts of the pandemic principally on the hackney carriage trade, but also in context with the full operation of the licensed vehicle industry in the licensing area.

Full demand survey advice

We agree that undertaking a full demand survey as in 2018 would not be appropriate at this point in time and that the best opportunity to undertake such a review might be during 2022, being a full year beyond the standard three-year guidance from the Department for Transport (as current at the time of writing this document). However, whilst meeting that understanding of the BPG it does not cover the encouragement of the BPG to be able to respond to any challenge. We understand some areas have challenges to their limit policy being considered even at the present time, and in fact from much earlier in the pandemic.

However, we are strongly concerned that a decision for simple delay and no other action could firstly leave you open to challenge by those believing they have observed a need for service at ranks that is not being met. We also believe that leaving the review for another year may be missing an opportunity to understand the current impact of the pandemic which would enable better and more informed policy decision to be made that support the trade at this difficult time and also ensure the public needing licensed vehicles in Wyre would obtain the best possible service. Our previous experience, even before the pandemic, was that delay of surveys beyond the guidance of three years can tend to worsen the future of the service provided. This is more particularly true for Wyre given the concern about operations in Poulton at weekends.

Our broad observation of the industry over this last year, as well as information from the one study we are currently concluding and from continued discussion with licensing officers suggests that the issues around unmet demand, its significance, and how the industry is presently operating are now more complex than they have been.

Given the likelihood that 2021 may now be impacted by the hopefully final 'getting to grips' with the virus and its implications, the need to understand potential responses and needs of the trade – both hackney carriage and private hire – for its future options are even more critical. Given the final impact will have been over some 18 months it is very unlikely there will have been no long-term impact, and an overview by the licensing authority is essential to allow planning a future for the trade across Wyre.

For example, before the pandemic the main focus of demand surveys was on observable demand at ranks. Most of the time, supply side issues were generally either slow to change or change with very clear impacts. Policies towards vehicle types or ages might impact on the ability of the trade to provide vehicles. Or low levels of demand at ranks might lead to more vehicles working from booking circuits thus worsening availability at ranks and service to customers. Now, the wide range of different operating models within the industry have all had differing reactions to the pandemic, with the overall result being the sum of a large number of individual parts.

This has generally resulted in much less actively available supply of vehicles and drivers than might otherwise be the case. Public reaction has also been varied, with many saying their use of licensed vehicles has not changed whilst others may now plan to use licensed vehicles as their principal public transport given safety concerns over mass public transport. Below, we provide some pointers to matters that could be reviewed in advance of the full review in 2022 and which could leave the industry and customers better serviced than otherwise.

We are also becoming aware of discussion and thinking in the bus industry that sees the future levels of service provision being reduced to match the new levels and patterns of demand (Buses Magazine, January 2021). The result may be significant opportunities for the overall licensed vehicle industry to both meet gaps in public transport provision as well as perhaps consideration of more cost-effective provision of some essential but not profitable travel needs by licensed vehicle rather than more expensive previous larger transport provision.

Methodology

We have identified several potential work items that might build up to provide the comprehensive review you aspire to. We discuss each below:

Review of current industry structure:

The way the industry works is complicated and is not usually obvious. For many authorities we have undertaken a review of the industry structure to benefit. This enables a review of potential reactions by different elements to be undertaken more readily. For example, we have become aware that those whose only resource commitment to the industry is that of renting a vehicle are much more likely to find alternative employment than those that have the extra responsibilities attached to owning vehicles (either to drive themselves or to operate a rental service).

We would take your electronic lists of drivers, owners and operators, and match them up to identify the current structure of your present trade. This would confirm the number of owner-drivers, multiple owners and drivers seeking to rent by type of vehicle. We would also use available information to identify key players such as private hire operating companies and other networks. The information within the databases could also allow review of potential impacts arising from matters such as three-year driver licences and change in age limits or vehicle condition requirements (e.g. those related to air quality performance).

Our most recent demand survey undertook this for our client and proved very useful understanding the reactions by the industry to the pandemic given the different behaviours implied by various operating models, e.g. those renting seem much more easily able to leave the industry. For your area we consider that those allied to booking circuits may also more easily retreat from rank servicing.

We would demonstrate from this information the potential added understanding such review can provide to current thoughts about future policy. This would also identify large players in the industry factually rather than from impressions. The evaluation of information from you would be calibrated by internet review of what the trade say is available in the area.

Opportunity for trade to feed back their reactions

We could host a modified version of the trade on-line survey which would allow independent feedback to us of key parameters such as:

- How members have been impacted
- How they have reacted
- How they consider customers have reacted, e.g. move to on-line bookings, apps or other changes
- Any reduction in rank operations resulting
- What their expectations of the future of the industry are and their specific plans
- How they could best be assisted

The results from this survey would help inform any future demand survey. For example, if the trade corporately advise us that specific ranks are no longer used by customers or trade, the need for extent of surveys could be revised to ensure best use of finance. Other, less expensive methods would be put in place to ensure the trade views were validated and that the change had not simply strongly increased customer latent demand. This is particularly true for Wyre where historic high levels of ranks mean the expected impact of reducing rank usage may have even more severe impacts. However, the use of ranks to wait for bookings in the area may also be a positive impact that might be retained.

This would also identify the level of people both having left and proposing to leave the industry. It would inform a 'bottom'up' estimation of the expected provision from the supply side of the unmet demand equation.

Leaver and new entrant interviews:

This would involve our undertaking direct discussion with industry leavers of their reasons for leaving, and new entrants of their hopes, aspirations and expectations. This may be augmented by evaluating the choices made for onward destination, for example, gig economy employment, focus on alternative existing business interests, focus on existing alternative (part time) employment or take up alternative full time salaried or hourly paid employment.

Evaluation of any common characteristics of those leaving the trades would be provided, for example people with low levels of investment in the trade (such as paying for use of a licensed vehicle on a per shift basis), or people who have an alternative part time job.

Our normal method of undertaking this would be your issuing a letter and link to an on-line questionnaire (probably one for leavers and one for new entrants), with potential follow up by people providing their details to us for further discussion. An alternative might be your asking those persons the right for us to contact them, which was a method that worked well for our recent survey in the South West. Your electronic links to those that have left, if not abandoned, might obviate this option.

Wider driver review:

We have identified concerns that many drivers with three-year licences have actually chosen to leave the trade, but this decision will only become clear when their renewal is due. Analysis of your current driver licences would provide a profile of when renewals were due that would give you earlier indication of peak times when such decisions might be revealed. Sample surveys could be undertaken to glean the current status of drivers. This would be important in terms of knowing when driver shortages might occur. Again, a letter / link could be issued to all drivers focussed on identifying their current activity levels in the industry. This could also input to the future demand survey by confirming ranks drivers were using and other issues that might need wider consideration in the full review.

Public views

A revised version of the usual demand survey on-street consultation could be undertaken. This would identify current views from those in the area about their present and proposed use of licensed vehicles, and provide an up to date and current set of views. This would enable some planning of the demand side of the unmet demand equation.

Review of demand from previous survey

The previous survey provided estimate weekly average demand as well as providing some context of how demand varied over a typical year. We could take the 2018 estimates and identify the main purposes providing demand to each location. Impact of the pandemic on different elements, e.g. rail station demand, night demand, shopping demand and educational demand are more known than an overall impact and we could highlight places that unmet demand might become significant (or otherwise) based on measured review. Wyre may be more robust in this respect given it has only one rail-related rank and a tradition of using otherwise lesser used locations as waiting points for telephone bookings.

Further, we would take the responses from the driver survey in terms of rank usage changes, that from any public survey and calibrate and validate these against each other to ensure a clear picture is obtained of future demand for licensed vehicles across the regulated areas, and possibly beyond.

We would draw on our observation and reading of other industry changes, e.g. there is a strong likelihood of wide revision to bus services that may provide a significant opportunity for resurgence of licensed vehicle options as bus operators focus again on the new financially viable service set that is likely to be much smaller than was becoming prevalent before the pandemic.

Testing of rank-based demand

The ultimate way to keep any authority away from any possibility of legal challenge regarding unmet demand significance is to have direct information about demand at ranks. This is the most expensive part of any study yet also the clearest evidence of performance. Our report would highlight from various sources evidence about the likely locations where unmet demand might be developing that could be significant (SUD). It may be expedient to undertake some limited rank surveys at 'SUD' vulnerable locations perhaps later in 2021.

Overall summary

The results from each of the above reviews would be drawn together to provide a comprehensive review of the state of the industry as far as is known in early 2021. This would highlight trends and inform possible policy decisions that could be made in advance of any new full survey to obtain and provide benefits to both trade and customers at the earliest opportunity. The report would be built up and reported as each section of work was concluded to ensure the licensing authority, committee and trade could be kept aware at all times of the latest state of knowledge of the industry and its potential future.

Study costs (to be confirmed following agreement of scope)

1 Industry structure - £750 + VAT

2 Driver Survey - £900 + VAT

3 Leaver and New entrant surveys - £300 + VAT

4 Wider Driver and Trade discussions - £250 + VAT

5 Testing of rank-based demand based on above and previous survey - £350 + VAT

(stages 1-5 total = £2,550 + VAT)

6 Public surveys – £1450 + VAT (up to 200 interviews across the area)

7 Rank surveys – £2900 + VAT (based on covering key 48-hours at up to three key locations)

This makes a total of £6,900 + VAT, substantially less than the cost of a full demand survey and providing a good pointer to the state of the industry during 2021 and helping point forwards.

However, we would recommend that the initial appointment cover items 1-5 only, with option to undertake the last two items if confirmed as being of value and benefit. These latter two items could lead to a decision either to confirm the 2022 survey timing or to revise such timing to a much more Wyre-centred requirement than might be provided for by the national guidance.

Overall reporting is included in each element above

Further details can be provided once initial consideration by yourselves of the options above have been undertaken.

All of these items could be undertaken to great benefit as soon as you were able to appoint us. However, we would recommend items 1 and 2 be taken forward as soon as practicable to obtain maximum benefit moving forward.

We would also advise you that we utilise the services of a factoring company as part of the payment process, more details of which will be provided to you at Inception.

Further contact can be made by email to ian.millership@ctstraffic.co.uk; by mobile phone on 07976 344254, or by prior agreement to 0121 558 2259 as long as your phone system does not withhold its number, or in last resort to our main office number on 01772 251400.