



Licensing Committee Agenda

Wyre Borough Council
Date of Publication: 20 September 2021
Please ask for : Daphne Courtenage
Assistant Democratic Services Officer
Tel: 01253 887476

Licensing Committee meeting on Monday, 27 September 2021 at 6.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde

1. Apologies

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

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 02 September 2021.

4. Application for a new Premises License - RJ's Bar, Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys, FY5 1DB (Pages 3 - 50)

Report of the Corporate Director Environment.

5. Hackney Carriage and Private Hire Licensing Policy review - outcome of consultation (Pages 51 - 124)

Report of the Corporate Director Environment.

6. Exclusion of the public and press

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive has determined that the report submitted under item 7 of this agenda is "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

If the Committee agrees that the public and press should be excluded for this item, it will need to pass the following resolution:

“That the public and press be excluded from the meeting whilst agenda item 7 be considered, as it refers to exempt information as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”.

7. **New applicant for a Wyre dual driver's licence with recent convictions**

(Pages 125 -
148)

Report of the Corporate Director Environment.



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	27 September 2021

**Application for a new Premises Licence -
RJ's Bar, Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys,
FY5 1DB**

1. Purpose of report

- 1.1 To assist Members to determine an application submitted under section 17 of the Licensing Act 2003, by J Peghill Ltd for a new premises licence.

2. Outcomes

- 2.1 The application be determined.

3. Recommendation

- 3.1 Members consider the application and representations and determine whether granting a licence in the terms applied for, would adversely impact on one or more of the Licensing Objectives.

4. Background

- 4.1 On 4 August 2021, an application was submitted by J Peghill Ltd for a new premises licence in respect of Unit A Jubilee Leisure Park, North Promenade, Thornton Cleveleys, FY5 1DB (**Appendix 1**).
- 4.2 The premises were previously licensed to sell alcohol to diners taking table meals until midnight each day of the week, but that licence was surrendered to the Council on 6 November 2020.
- 4.3 The applicant wishes to be authorised to sell alcohol for consumption on the premises from 11:30 hrs to midnight each day of the week.
- 4.4 The applicant initially applied to be able to provide recorded music indoors from 11:30 hrs to midnight each day of the week and outdoors from 11:30 hrs to 22:00 hrs. They have subsequently agreed with Environmental Health not to provide any outdoor musical entertainment at all.

- 4.5 The applicant also wishes to be open to the public for a further 30 minutes after the terminal hour for alcohol sales, to facilitate 'drinking up' time for customers.
- 4.6 At the end of the statutory consultation period there were two outstanding representations from other persons against this application.
- 4.7 Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 1 September 2021.

5. Key issues and proposals

- 5.1 The premises is a detached building, close to a number of residential homes and previously traded as Pizza Hut. A plan of the location and photographs showing the proximity to residential property is included at **Appendix 2**.
- 5.2 Representations objecting to this application have been received from two local residents who are concerned about the potential for noise disturbance from the entertainment that the applicant wishes to provide (**Appendix 3**).
- 5.3 The Police have not objected to the granting of this application, but have agreed a number of additional conditions with the applicant to promote the prevention of crime and disorder objective (**Appendix 4**).
- 5.4 Environmental Health have not objected to the application, but have also agreed a number of conditions and restrictions to address their concerns about the potential for public nuisance arising from licensable activities at the venue. (**Appendix 5**).
- 5.5 An email was subsequently sent to the objectors to advise them of the changes that had been agreed with the Police and Environmental Health during the consultation period (**Appendix 6**).
- 5.6 The Planning Department have confirmed that the premises does not yet have the required planning permission for a change of use from restaurant to bar.
- 5.7 There have been no other responses from Responsible Authorities.
- 5.8 A list of all of the conditions offered in the application, or subsequently agreed with the Responsible Authorities, which would form Annex 2 to any licence granted, is included for reference at **Appendix 7**.
- 5.9 Unfortunately, the management of the premises decided to open and began selling alcohol on Wednesday 1 September. As soon as the Licensing Authority became aware of this unlawful activity, a joint warning

letter was issued and hand delivered to the premises by the Police Licensing Sergeant on 2 September 2021 (**Appendix 8**).

5.10 When considering the application Members should take into account the Council’s own Statement of Licensing Policy. The following sections are particularly relevant to this application.

- 9.3 Conditions imposed at a hearing
- 13.3 Prevention of public nuisance

5.11 Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular the following sections: 1.16, 9.3, 9.4, 9.37-9.40, 9.42-9.44 and 10.8-10.10, which are reproduced at **Appendix 9**.

5.12 After having regard to all the representations, the council’s Statement of Policy and the Statutory Guidance, the Committee must consider whether granting the application in the terms applied for, would undermine any of the licensing objectives.

5.13 If members are satisfied that the licensing objectives would not be undermined, they should grant the licence in the terms applied for.

5.14 If, however members are concerned that granting the application would have the potential to undermine one or more of the licensing objectives, they must consider what, if any, steps would be appropriate to secure the promotion of the licensing objectives.

It may take any of the following steps:

- Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives.
- Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities).
- Reject the whole or part of the application.

5.15 All parties to the application have been invited to attend the hearing and have been sent a copy of this report and notice of the hearing procedure.

Financial and legal implications	
Finance	There are no financial implications directly associated with this application.
Legal	Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council’s own hearing procedure.

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	06.09.21

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

List of appendices

- Appendix 1 - Copy of application
- Appendix 2 - Location
- Appendix 3 - Objections from residents
- Appendix 4 - Lancashire Constabulary consultation response
- Appendix 5 - Environmental Health consultation response
- Appendix 6 - Email to objectors dated 260821
- Appendix 7 - Schedule of Annex 2 conditions agreed
- Appendix 8 - Warning letter issued 020921
- Appendix 9 - Extract from the S.182 Statutory Guidance



(F) Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

J. PEGHALL LTD

#We ~~ROBERT HOPKINSON & JOHN STEWART~~
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description UNIT A JUBILEE LEISURE PARK NORTH PROMENADE THORNTON-CLEVELEYS			
Post town		Postcode	FY5 1DB

Telephone number at premises (if any)	07736025999
Non-domestic rateable value of premises	£ 64,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as (Please tick as appropriate)

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/> Please tick yes	

Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service). The 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service). The 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or

other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	ROBERT HOPKINSON _____ JOHN SHERWOOD
Address	THORNTON-CLEVELEYS THORNTON-CLEVELEYS (J. PEGHALL LTD)
Registered number (where applicable)	13437772.
Description of applicant (for example, partnership, company, unincorporated association etc.)	J. PEGHALL LTD, trading as RJ's Bar
Telephone number (if any)	→
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY
27 07 2021

If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY
[][][][][][]

Please give a general description of the premises (please read guidance note 1)

sports bar, showing sports via sky TV & BT sports.
Serving food, ice cream & protein shakes.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. []

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 4)	
	-----	-----		
Tue				
	-----	-----		
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)	
	-----	-----		
Thur				
	-----	-----		
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
	-----	-----		
Sat				
	-----	-----		
Sun				
	-----	-----		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	11:30	00:00	<u>Please give further details here</u> (please read guidance note 4) music will ceased outdoors at 10:00pm.		
Tue	11:30	00:00			
Wed	11:30	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	11:30	00:00			
Fri	11:30	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:30	00:00			
Sun	11:30	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11:30	00:00						
Tue	11:30	00:00						
Wed	11:30	00:00						
Thur	11:30	00:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:30	00:00						
Sat	11:30	00:00						
Sun	11:30	00:00						

State the name and details of the individual whom you wish to specify on the licence as **designated premises supervisor** (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MISS SARAH-JAYNE COOP
Date of birth	
Address	Thornton-cleeveys (Personal licence application in progress)
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:30	00:30	
Tue	11:30	00:30	
Wed	11:30	00:30	
Thur	11:30	00:30	
Fri	11:30	00:30	
Sat	11:30	00:30	
Sun	11:30	00:30	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

CD1, CD3, CD4, CD5, CD6, CD7, CD8, CD9,
CD10, CD11, CD12, CD13, CD14, CD15
CD16, CD17, CD18, CD22, CD23, CD24,
CD25, CD26, CD27, CD29, CD30, CD31
CD33, CD36, CD38, CD39 (50%). CD41,
CD42.

c) Public safety

PS1, PS3, PS4, PS5

d) The prevention of public nuisance

PN1, (22:30), PN2, PN3, PN4, PN10,
PN12, PN13, PN14, PN18, PN19, PN20,
PN21, PN23, PN24, PN27, PN28, PN29,
PN30, PN31,

e) The protection of children from harm

PC1, PC2, PC3, PC4 (after 9pm)
 PC5 (after 9pm), PC7, PC9,

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing
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	<p>me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</p>
Signature	
Date	27.7.2021
Capacity	owner

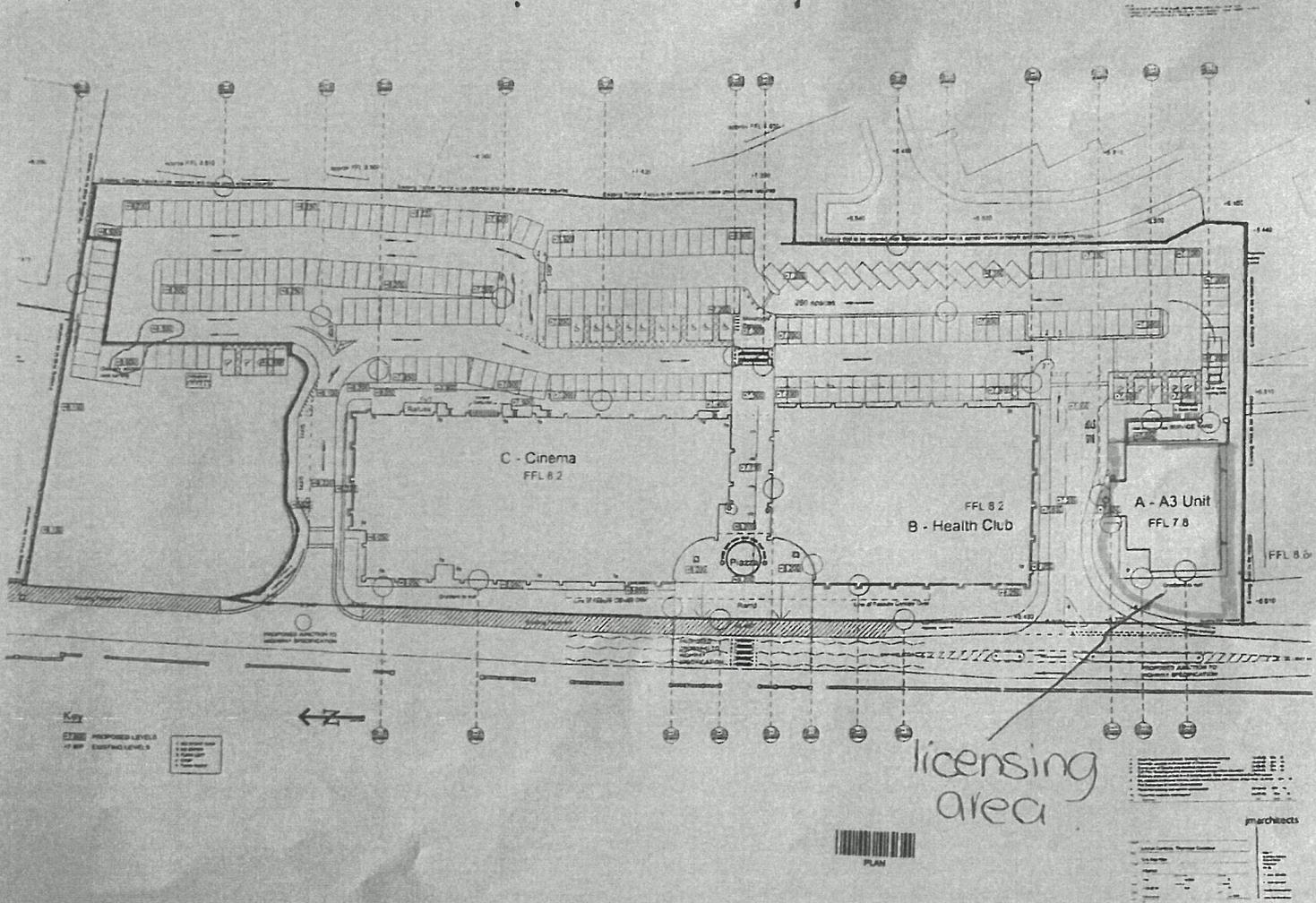
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	27.7.2021.
Capacity	owner.

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</p> <p>MISS Sarah-Jayne COOP. 1 South Avenue.</p>			
Post town	Thornon-clewerus	Postcode	FY5 1JY
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does





R1

-----Original Message-----

From: Paul Redman [REDACTED]
Sent: 21 August 2021 14:43
To: Licensing <Licensing@wyre.gov.uk>
Subject: New premises licence

This email is from an external email address Do not click any links or open attachments unless you know the content is safe.

Never disclose your user details or password to anyone.

Re New premises licence application RJ's Bar, unit A, jubilee gardens, cleveleys. As a sound and visual engineer for the past 20+ years I have concerns with the noise levels as the unit is not fit for purpose. I have noticed a karaoke, sound and lighting system installed, which with a large percentage of the building being glass and only living a few doors away I know I will have to listen to it till gone 12.

I have no objection to the bar side just concerns with the music side. Before you issue the licence ask yourself the question would you like a bar playing music till 12+ next door to you?

Thank you
Paul Redman.

From: Paul Redman [REDACTED]
Sent: 04 September 2021 14:18
To: Barrett, Niky <Niky.Barrett@wyre.gov.uk>
Subject: Re: New premises licence

These are the kind of owner that won't keep to the rules (banned already) so at 12.30 when music is blasting out you tucked up in your bed think of us .

From: Paul Redman [REDACTED]
Sent: 04 September 2021 14:56
To: Barrett, Niky <Niky.Barrett@wyre.gov.uk>
Subject: Re: New premises licence

As I have said before no objection to bar , just not music licence , not sure why a sports bar would need a music licence.

R2 .

-----Original Message-----

From: Lynn [redacted]
Sent: 21 August 2021 14:18
To: Licensing <Licensing@wyre.gov.uk>
Subject: New premises licence

This email is from an external email address Do not click any links or open attachments unless you know the content is safe.

Never disclose your user details or password to anyone.

Re New premises licence application, RJ's Bar, unit A, jubilee gardens, cleveleys.

As a local resident living 3 doors away from this unit please note my observations re the planning application under licensing act 2003 - No objections to the unit being used as a sports bar if there is no disruption from noise levels.

The construction of the unit is a large percentage of floor to ceiling glass windows which gives little sound proofing. This was no issue when the unit was previously used as a pizza restaurant and takeaway which closed mid to late evening.

My concern is that noise may be an issue to residents in the evenings and specifically after 11pm if an alcohol and music licence is granted later than 11pm, unless adequate noise reduction measures/ soundproofing are put in place.

Thank you.
Lynn Redman.
[redacted] North Promenade
FY5 1DW

From: lynn [redacted]
Sent: 26 August 2021 17:07
To: Barrett, Niky <Niky.Barrett@wyre.gov.uk>
Subject: Re: New premises licence

Hi,
Many thanks for your e mail.
As stated I have no objection as long as there is no noise nuisance.
Thank you,
Lynn Redman

Wyre Council Licensing Service

Notification of Mediation Agreement

Premises Details

Name of Premises:	RJ's Bar
Premises Address:	Unit A, Jubilee Leisure Park, North Promenade, Thornton Cleveleys
Post Code:	FY5 1DB

Responsible Authority

Service / Department	Lancashire Constabulary
Officer (Print Name)	PC Guy HARRISON

Signature

Proposed changes to Application Operational Schedule Mark one

Adequate changes proposed during the representation period. No representation made.	X
Some changes proposed. Representation will follow for remaining concerns.	
Some changes made after representation submitted. Continue to hearing.	
Full and adequate proposals made after representation. Representation withdrawn.	

Applicant's consent to amend Licence Application

I the undersigned am the applicant and hereby authorize Blackpool Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.

Applicant's Name (Please <u>print</u> clearly)	J PEGHILL LTD
--	---------------

Applicant's Usual Signature	
-----------------------------	--

Date of signing	16	08	2021
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Amendments

- | | |
|---|--|
| 1 | <p>The following conditions to be added to the Operating Schedule:-</p> <ol style="list-style-type: none"> 1. The use of SIA door staff will be subject to a written risk assessment by the DPS or Premises Licence Holder. The document must be available for inspection if required. However, a minimum of 1 SIA security staff will be on duty from 21:00 hours every Friday, Saturday, Sunday before bank holiday, Christmas Eve, Boxing Day and New Year's Eve. 2. CCTV footage will be made available for viewing by the Police with a minimum of delay. |
|---|--|

	<ol style="list-style-type: none"> 3. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises. 4. All tables and chairs in the outside area shall be stacked, secured and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
2	N/A

* To insert an additional row place the cursor in the last row and select 'Table' – 'Insert' – 'Rows below' from the top menu bar

From: Clayton, Nick [REDACTED]
Sent: 26 August 2021 10:52
To: Licensing <Licensing@wyre.gov.uk>
Subject: PPN conditions for RJS bar Cleveleys

Good morning,
Following discussion with RJS bar Cleveleys, Prevention of public nuisance conditions have now been agreed. I have no objections to this application provided that the attached conditions are required as part of the licence.
Should you wish to discuss this matter further, please feel free to contact me and I will be happy to answer any questions you may have.
Kind regards,
Nick

Proposed Conditions RJs Bar

1. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00 hours. Signs shall be displayed in prominent positions warning customers that they will not be permitted to drink in the external areas after these times
2. The outside area will be checked by a competent person at intervals of a minimum of 30 minutes.
3. There shall be no live entertainment, live music or recorded music to the external licensed area.
4. Any outside seating area is to be clearly defined and separated from the public footpath. A fixed or removable barrier must enclose the outside seating area.
5. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
6. In the outside area, all customers consuming alcohol shall be seated.
7. All tables and chairs in the outside area shall be stacked and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
8. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time, shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.
9. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

10. The Licensee shall ensure that staff departing at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
11. The volume of amplified sound used in connection with any regulated entertainment shall, at all times, be under the control of the Licence Holder or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
12. Noise generated from any regulated entertainment in the form of live or recorded music, mechanical ventilation and refrigeration plant shall not be audible at premises within close proximity so as to cause a public nuisance.
13. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
14. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
15. The premises shall maintain a written dispersal policy which shall be made available to the Police or an authorised officer of the Council upon request.
16. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
17. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
18. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
19. During the final hour of daily trading appropriate announcements are to be made and/or images projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
20. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
21. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night.
22. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at a frequency of not less than sixty minute intervals during opening hours.

From: Barrett, Niky
Sent: 26 August 2021 16:16
To: [REDACTED]
Subject: FW: New premises licence

Dear [REDACTED]

Thank you for your email in response to the application lodged for RJ's Bar, Unit A Jubilee Leisure Park.

As you have submitted an objection to this application, it will have to be determined at hearing of the Licensing Committee. This has provisionally been scheduled for Monday 27 September at 6pm here at the Civic Centre in Poulton and you will have the right to attend this hearing and address the Committee directly with your concerns.

However, I wanted to update you on some changes to the application, that have been agreed in recent days with the Police and Wyre Environmental Health Officers, so that you can consider whether you still wish to object to the licence being granted, in light of the controlling conditions that will form part of any licence granted. These conditions will become a legal requirement and an offence would be committed if the business operated in breach of them.

If you wish to withdraw your objection in light of this new information, please could you email licensing@wyre.gov.uk If I have not heard from you by Wed 1st September (the close of the consultation period), the hearing will have to go ahead and I will send out the report and invitation in due course.

If you have any questions please contact me by email or telephone.
Kind regards

Niky Barrett
Senior Licensing Officer
Wyre Council

Prevention of Crime and Disorder

1. At least one personal licence holder will be contactable at all times the premises is open, (their identity will be known to all other staff engaged in the supply or sale of alcohol) except in the case of emergency.
2. Another member of staff shall be nominated to act for the DPS in their absence whose identity is known by all staff when such absence occurs.
3. An authorisation, signed and dated by the Designated Premises Supervisor, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
4. Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.
5. A zero tolerance drugs policy will be adopted at the premises.
6. Security/staff arrangements will be sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas at least every 30 minutes.
7. Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained member of the same sex.
8. Clearly visible notices shall be displayed advising those attending that:
 - a) It is a condition of entry that customers agree to be searched and
 - b) Police will be informed if anyone is found in possession of controlled substances or weapons.
9. Records of incidents involving the use, and/or detection of drugs shall be maintained and those records shall be available for inspection.
10. Confiscated and found drugs shall be transferred to the police in accordance with procedures agreed with Lancashire Constabulary.
11. At all times the premises is open to the public regular toilet checks will be conducted in all operational toilet areas and documented accordingly. These checks will be conducted at no less than 30 minute intervals.
12. No person in possession of a drink in a sealed or unsealed container will be allowed to enter the premises except for the purposes of delivery.
13. No person in possession of an alcoholic drink in an unsealed container shall be allowed to leave the premises.

14. Appropriate measures will be taken to ensure staff prevent the removal of bottles or glasses from the curtilage and grounds of the licensed premises.
15. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in or around the licensed premises.
16. All drinking vessels used at the premises will be toughened glass or polycarbonate.
17. An incident book will be maintained in which will be recorded:
 - a) All incidents of crime and disorder.
 - b) Refused sales to suspected underage and drunken persons.
 - c) A record of any person asked to leave the premises or that are removed from the premises.
 - d) Details of occasions on which the police are called to the premises.
 - e) A record of persons searched on suspicion that drugs are being carried and their reason for such suspicion.

The book will be available for inspection by a police officer.

18. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 6 months, records to evidence this will be made available to authorised officer upon request.
19. Any person within the premises who appears to be intoxicated who is behaving in a disorderly manner will be asked to conduct themselves correctly and if they refuse they will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.
20. No entertainment of an adult or sexual nature will take place on the premises.
21. CCTV must be installed internally and externally at the premises and must comply with the following:
 - i) The CCTV system must be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises must be covered by the system. The system will incorporate a camera covering each of the main entrance doors and each camera must be capable of providing an image which is regarded as identification standard in all lighting conditions.
 - ii) The system must record all hours that the premises are open to the public.
 - iii) Recordings must display the correct date and time.
 - iv) Digital recordings must be held for a minimum period of 28 days.
 - v) The system must as a minimum record images of the head and shoulders of all persons entering the premises.

22. Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
23. The licence holder must notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the conditions of this licence.
24. CCTV footage will be made available for viewing by the Police with a minimum of delay.
25. Bi-annually documented maintenance checks by a suitably qualified CCTV engineer must be made of the CCTV system to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
26. The Premises Licence Holder shall ensure that staff monitor and adequately manage any queue that forms to gain entry to the premises.
27. The use of SIA door staff will be subject to a written risk assessment by the DPS or Premises Licence holder. The document must be available for inspection if required. However, a minimum of 1 SIA security staff will be on duty from 21:00 hours every Friday, Saturday and Sunday before a Bank Holiday, Christmas Eve, Boxing Day and New Year's Eve.
28. Door staff will remain outside the premises until at least 10 mins after the last customer has left the premises to prevent disorder and noise nuisance.
29. A queuing system will be implemented at the main point of entry to assist in the monitoring of customers.
30. Seating will be provided within the premises for at least 50 % of the total maximum capacity of the premises.
31. Any person within the premises who appears to be intoxicated or who is behaving in a disorderly manner will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.
32. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
33. Functions which specifically target young people aged 17-18 years (for example birthday parties) will not be allowed to take place on the premises.

Public Safety

1. Adequate first aid provision is available at all times the premises are being operated.

2. Where disabled persons are present on the premises there shall be in place arrangements for their safe evacuation in the event of an emergency or other reason. Details of those arrangements shall be recorded and all staff employed on the premises shall be aware of those arrangements.
3. All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing and made available for inspection on demand to an Authorised Officer.
4. The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

Prevention of Public Nuisance

1. Any outside area which is used for the consumption of alcohol shall cease to be so used at 22:00 hours. Signs shall be displayed in prominent positions warning customers that they will not be permitted to drink in the external areas after these times
2. The outside area will be checked by a competent person at intervals of a minimum of 30 minutes.
3. There shall be no live entertainment, live music or recorded music to the external licensed area.
4. Any outside seating area is to be clearly defined and separated from the public footpath. A fixed or removable barrier must enclose the outside seating area.
5. In the outside area, the supply of intoxicating liquor shall be by waiter/waitress service only and only to persons seated at tables.
6. In the outside area, all customers consuming alcohol shall be seated.
7. All tables and chairs in the outside area shall be stacked and covered promptly and in any event no more than 30 minutes after the time at which patrons are no longer permitted to consume drinks in the area.
8. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time, shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.

9. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).
10. The Licensee shall ensure that staff departing at night when the business has ceased trading, conduct themselves in such a manner to avoid disturbance to nearby residents.
11. The volume of amplified sound used in connection with any regulated entertainment shall, at all times, be under the control of the Licence Holder or Management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
12. Noise generated from any regulated entertainment in the form of live or recorded music, mechanical ventilation and refrigeration plant shall not be audible at premises within close proximity so as to cause a public nuisance.
13. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
14. No nuisance shall be caused by noise coming from the premises or vibration transmitted through the structure of the premises.
15. The premises shall maintain a written dispersal policy, which shall be made available to the Police or an authorised officer of the Council upon request.
16. There shall be no emission from the premises of any offensive smells which are likely to cause a nuisance.
17. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
18. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
19. During the final hour of trading appropriate announcements are to be made and/or images projected to remind patrons of the need to leave the premises without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available to the premises.

20. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
21. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at the end of operating hours each night.
22. The premise licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premise to be collected and removed at a frequency of not less than sixty minute intervals during opening hours.

Protection of Children from Harm

1. A Challenge 25 proof of age policy shall be implemented and adhered to. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - A recognised proof of age scheme accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS).
 - Photo driving licence.
 - Passport.
 - Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.If no suitable identification is provided the sale of alcohol will be refused.
2. All staff involved in the sale of alcohol shall receive suitable training in relation to proof of age scheme to be applied upon the premises. All staff receive regular refresher training at intervals of at least 6 months. Records to evidence this will be made available to officers upon request.
3. Suitable signage will be displayed to specify the Challenge 25 policy is in place.
4. There will be no persons under the age of 18 permitted on the premises after 21:00 hours unless they are partaking in a meal or attending a pre-arranged private function. All persons under 18 must be accompanied by an adult at all times.
5. Unaccompanied children shall not be permitted on the premises.
6. Where the premises operates restrictions relating to the admission of children, a sign detailing those restrictions shall be displayed at the entrance to the premises where it is clearly visible.



**Lancashire
Constabulary**
police and communities together

To: RJ's Bar
Unit A, Jubilee Leisure Park
North Promenade
Thornton Cleveleys
FY5 1DB

2 September 2021

Dear Miss Coop

Licensing Act 2003 - Section 136 Offence of unlicensed activity

Further to our telephone conversation on Monday 23 August 2021, I can confirm that there were still outstanding representations against the granting of your application on 1st September 2021, which was the last day of the statutory consultation period.

In accordance with the Licensing Act 2003, the application must now be determined by the Licensing Committee.

I can also advise you that the provisional date for the hearing that I gave you during that telephone call, has now been confirmed.

The Licensing Committee will consider your application on Monday 27 September 2021. The hearing will take place in the Council Chamber, Wyre Civic Centre, Breck Road, Poulton le Fylde, FY6 7PU and the meeting will commence at 6.00 pm.

Until your application has been determined and a licence granted, you have no lawful authority to provide licensable activities at the premises.

Section 136 of the Licensing Act 2003 creates the offence of carrying on a licensable activity other than under, or in accordance with an authorisation. This offence carries a maximum sentence, on summary conviction, of an unlimited fine and/or 6 months imprisonment.

We would warn you that trading activity at your premises will be monitored by both Police and Licensing Authority Officers in the coming weeks and should the premises be found to be providing licensable activities without a licence again, despite this warning, you will be reported to the Magistrates for prosecution under section 136 of the Licensing Act 2003.

Yours faithfully

N Barrett
Senior Licensing Officer
Wyre Council

PS 3390 Nat Cox
Lancashire Police

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems

at premises to support their representations, and in fact this would not be possible for new premises.

Hearings

- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any

representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10. Conditions attached to premises licences and club premises certificates

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of

CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.



Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	27 September 2021

<p>Hackney Carriage and Private Hire Licensing Policy review – outcome of consultation</p>

1. Purpose of report

1.1 To submit the responses received during the public consultation, to members for consideration, in accordance with Minute LIC.20 of the 25 February 2021 (**Appendix 1**).

2. Outcomes

2.1 Members consider whether to amend the draft policy in light of the consultation responses.

3. Recommendation

3.1 That Members finalise and approve the revised Hackney Carriage and Private Hire Licensing Policy and adopt the same with effect from 1 April 2022 (**Appendix 2**).

4. Background

4.1 In accordance with the decision of the Committee in January, the revised policy was the subject of an eight-week consultation with the trade and members of the public.

4.2 The draft policy was published on the Council's website throughout the consultation period, which ended on 2 May 2021.

4.3 Individual letters were sent to every holder of a dual driver, hackney carriage, private hire vehicle or private hire operator licence, with details about the consultation and how to download the draft policy and submit comments using the Council's online consultation portal.

4.4 Similar letters were also sent to Wyre Councillors, Town and Parish Councils in the borough, local organisations representing disability

groups, trade associations, Lancashire Licensing Authorities and Lancashire Police.

5. Key issues and proposals

5.1 In total there were 28 responses recorded via the consultation portal and while 6 respondents indicated that they had comments, only 4 actually uploaded comments to the portal.

5.2 Response 1. 3.7.2. Does this section mean a driver would have to provide a full DBS Check at cost, as 3.7.3 seems to negate the need for this?

3.7.6. Does this section include "Parking Offences" on private land?

3.10.4 Older tests in some areas used to check on the ability of driver to be able to read a map. Should we not be doing the same in the safe use of Sat Nav's?

Conditions of Dual driving Licence 2. Does this section imply that Self Employed driver can only work for one operator? If so does this not conflict with the definition and test of "Self Employment" expressed by HMRC?

5.3 Re: 3.7.2, the online update service will provide the Licensing Officer with one of two responses, either that there has been no change to the information held, or that the information has changed.

The update service does not provide details of the changes and the driver would need to pay for a new DBS where changes are reported, so that the Licensing Officer can review the new information and consider whether it has a material effect of the fitness and propriety of the individual to continue to hold a licence.

5.4 Re: 3.7.6, this section refers to offences that have attracted a fine or penalty points, but not to parking tickets.

5.5 Re: 3.10.4, Wyre's knowledge test does not involve map reading skills or the use of SatNav nor are there any plans to introduce this element as candidates are tested on their actual working knowledge of the Borough.

5.6 Re: Condition 2, this requires drivers to keep the licensing office informed of which private hire operator(s) they are working for, it does not imply that they may only work for one operator.

5.7 Response 2. 1. Use any Doctors surgeries for medical as long as they have your medical history. Some charge three times others charge to do exactly the same requirements

2. More time when renewals are sent out as sometimes DBS are taking longer than they should, mine was only 4 Days

3. Advertisement on taxi? Why are we not allowed

4. Why is there not two different garages to have a choice for testing so we have a choice

5. More inspection on taxis making sure they are clean tidy and road worthy I will help if required

6. More help trying to assist in Poulton whatever cars park at weekends

7. Thankyou for licensing for the £500.00 Regards Steve

5.8 Re: 1, this relates to section 3.9.4. Wyre Council has specified that the group 2 assessment must be completed by the drivers own GP since 2018, to ensure that the patients full history is known to the practitioner completing the medical. The Council has no control over the fees charged by individual practices.

This amendment brings in some flexibility and allows a driver to use a different provider, but only when this is agreed in advance, after the licensing officer has been able to verify that the alternative provider has full access to the patients' history and not just to a summary record.

5.9 Re: 2, This comment does not relate directly to the policy, we currently send out renewals 2 months before drivers licences are due to expire.

5.10 Re: 3, this relates to condition 21 (Appendix 5 to the policy). It has always been Wyre Council's policy to prohibit advertising of anything other than the operator or company providing the service.

5.11 Re: 4, this relates to 4.6.3. Prior to vehicle testing being brought in-house in 2018, there was a single private garage which was appointed to undertake testing on our behalf. Wyre has never offered a variety of testing stations to the trade.

Points 5, 6 and 7 do not relate directly to the policy.

5.12 Response 3. It is really an observation related to 3.3 and 3.9.3 - which relate to age. Why is 65 the age restriction? The state pension age has been raised to 66 and will increase - drivers licenses are issued until 70 years - so my question is why 65? Is this just an historical reason or is it based on data? Just something to consider.

5.13 Re: response 3. The requirement for an annual group 2 medical for drivers aged 65 or over mirrors the DVLA requirements for group 2 medicals for Heavy Goods Vehicle and Passenger Service Vehicle drivers.

5.14 Response 4. 5.1.2 This de-limiting would constitute a substantial if not total loss of income for some drivers, therefore I don't agree with this at all and would in fact contest the legality of such action. I can foresee that were this to happen the council would in fact leave themselves open to many a lawsuit.

- 5.15** Re: response 4. Because Wyre Council limit the number of Hackney Carriage licences it will issue, we are required to undertake a regular survey to establish if there is any significant unmet demand for Hackney Carriages, which we 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.

The Department of Transport’s Taxi and Private Hire Vehicle Licensing Best Practice Guidance includes the following information in para 47 – “Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all.”

- 5.16** Members are invited to consider whether or not they wish to make any alterations to the wording of the policy as a result of the consultation comments, before formally ratifying the document.

Financial and legal implications	
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 in 2020 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	3 September 2021

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

List of appendices

Appendix 1 - Details of responses recorded in the consultation portal

Appendix 2 - Draft Hackney Carriage and Private Hire Licensing Policy V06

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Date & time of submission	City	Postal District	Are you a licence holder or other	Do you have any comments?	Comments, please include the section that your comments relates to
08/03/21 10:47			Other	No	
08/03/21 13:49	Liverpool	L7	Other	No	
08/03/21 14:46			A licence holder	No	
08/03/21 15:20	Blackpool	FY1	A licence holder	No	
08/03/21 20:58			A licence holder	No	
09/03/21 16:38	Glasgow	G42	A licence holder	Yes	See para 5.2 of the report for comments
10/03/21 12:19			A licence holder	Yes	No comments uploaded
10/03/21 13:08			A licence holder	Yes	See para 5.7 of the report for comments
10/03/21 10:51	Chelmsford	CM1	Other	Yes	See para 5.12 of the report for comments
11/03/21 11:05	Alton	GU34	Other	No	
11/03/21 11:48	Thornton	FY5	A licence holder	No	
11/03/21 13:56	Glasgow	G32	A licence holder	No	
11/03/21 14:17	Blackwood	NP12	A licence holder	No	
11/03/21 16:19	Lytham	FY8	A licence holder	No	
11/03/21 16:52	Poulton	FY6	A licence holder	Yes	No comments uploaded
11/03/21 18:04	Thornton	FY5	Other	No	
11/03/21 20:52	Sleaford	NG34	A licence holder	No	
11/03/21 20:57	Sleaford	NG34	Other	No	
18/03/21 16:31			A licence holder	No	
20/03/21 11:35	Thornton	FY5	A licence holder	No	
20/03/21 13:36	Liverpool	L25	A licence holder	No	
21/03/21 19:52			A licence holder	No	
23/03/21 09:41	Thornton	FY5	A licence holder	Yes	See para 5.14 of the report for comments
26/03/21 12:00	Blackpool	FY1	Other	No	
26/03/21 12:05	Blackpool	FY1	A licence holder	No	
19/04/21 14:17	Poulton	FY6	Other	No	
20/04/21 11:31	Belfast	BT16	A licence holder	No	
26/04/21 12:52	Blackpool	FY1	A licence holder	No	

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Hackney Carriage and Private Hire Licensing Policy



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- Appendix 3 – Driver’s Code of Conduct
- Appendix 4 – Hackney Carriage Byelaws
- Appendix 5 – Standard Conditions - Hackney Carriage
- Appendix 6 – Wyre Hackney Carriage Ranks
- Appendix 7 – Standard Conditions – Private Hire Vehicle
- Appendix 8 – Standards Conditions – Stretched Limousines
- Appendix 9 – Standard Conditions – Private Hire Operator

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 Visas and Immigration Department
 - 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 1 April 2022 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.
- 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 those 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 the 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, 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 licences 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.

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**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](https://www.gov.uk) 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
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11	4 Conviction

Code	Offence	Points	Endorsement remains on licence (years)
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
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

Code	Offence	Points	Endorsement remains on licence (years)
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 promptly along the rank in order,
- 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.

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.

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.



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)

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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.

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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.

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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:-
 - vi Any new conviction or finding of guilt in a civil, criminal or driving matter;
 - vii Any new caution issued by the Police or any other agency;

- viii Any new issue of a Magistrate's Court summons against them;
 - ix Any new issue of a fixed penalty notice for any matter;
 - x 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.
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.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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