



## Licensing Committee Agenda

Wyre Borough Council  
Date of Publication: 17 January 2018  
Please ask for : Carole Leary  
Democratic Services Officer  
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**Licensing Committee meeting on Thursday, 25 January 2018 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**

(Pages 1 - 18)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 30 November 2017 and 6 December 2017.

**4. Taxi Licensing and Enforcement Policy Review**

(Pages 19 - 86)

Report of the Service Director Health and Wellbeing.

**5. 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Council's Constitution, the Chief Executive has determined that the report submitted under item 6 of this agenda is "Not for Publication" because item 6 contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.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 6 is being considered, because 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 exemptions outweighs the public interest in disclosing the information.

**6. New applicant for a Wyre dual driver licence with a current motoring conviction and spent criminal convictions**

(Pages 87 -  
106)

Report of the Service Director Health and Wellbeing.



## Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 30 November 2017 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

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### **Licensing Committee members present:**

Councillors Simon Bridge, Sue Catterall, Terry Lees, Julie Robinson, Brian Stephenson, Ann Turner, Lynn Walmsley and Val Wilson

### **Apologies:**

Councillor(s) Marge Anderton, Colette Birch, Patsy Ormrod, Sue Pimbley and Matthew Vincent

### **Officers present:**

Niky Barrett, Licensing Manager  
Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer  
David Parry, Taxi Licensing Officer  
Neil Greenwood, Head of Environmental Health and Community Safety  
Duncan Jowitt, Democratic Services and Councillor Development Officer

### **Others present:**

For item 7 only: Mr C and Mrs C

For item 6 only: Mr O (driver and Mr W (representing the driver)

For item 8 only: Mr OS

For item 9 only: Mr FS

No members of the public or press were present.

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### **31 Confirmation of minutes**

The minutes of the meetings held on 12 October 2017 were confirmed as a correct record.

### **32 Declarations of Interest**

Councillor Lees declared an interest in item 7 of the agenda as a close relative knew the applicant and did not take part in the committee's questions

or deliberations in respect of that item.

**33            Review of Premises Licence - Today's Local, 92 Lord Street, Fleetwood, FY7 6JZ**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist members to determine an application from Lancashire Constabulary, submitted under section 51 of the Licensing Act 2003 (the Act), seeking a review of Premises Licence PL(A)0391, in respect of Today's Local, 92 Lord Street, Fleetwood, FY7 6JZ.

**RESOLVED** that, as the licensee was unable to attend the meeting due to illness, the application from Lancashire Constabulary be adjourned and considered on Wednesday 6 December by a sub-committee made up of three members of the Licensing Committee.

**34            Exclusion of the Public and Press**

**RESOLVED** that the public and press be excluded from the meeting whilst agenda items 6, 7 8 and 9 were being considered, because they referred 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 exemptions outweighed the public interest in disclosing the information.

**35            New applicant for a Wyre dual driver licence with spent convictions**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing.

The Licensing Manager introduced the report.

The applicant, Mr C was present at the meeting and was accompanied by his wife. He was not legally represented.

Mr C spoke to the committee to explain the circumstances in his defence.

Mr C responded to questions from members of the Committee.

Mr C and Mrs C, the Taxi Licensing Officer, the Head of Environmental Health and Community Safety and the Licensing Manager then left the room whilst the committee members considered the application. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that a dual driver licence be granted to Mr C.

### **The Reasons for the Decisions were:**

After listening to the applicant, the Committee considered that he was a fit and proper person to hold a Dual Driver's Licence as he had been free of convictions for a substantial period of time and had made a concerted effort to turn his life around from his earlier criminal behaviours.

### **36 Complaints about a licensed Wyre dual driver licence holder (item 6)**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing. Additional letters of support for the driver which had been received after the agenda had been compiled were also submitted to the Committee.

The Licensing Manager introduced the report.

The driver, Mr O, was present at the meeting and was legally represented by Mr W.

Mr W spoke to the committee to explain the circumstances in his defence.

Mr W responded to questions from members of the Committee.

Mr O and Mr W, the Taxi Licensing Officer, the Head of Environmental Health and Community Safety and the Licensing Manager then left the room whilst the committee members considered the case. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that Mr O's dual driver licence be suspended for a period of seven days.

### **The Reasons for the Decisions were:**

- The Committee did not believe Mr O to be a credible witness in relation to the female passengers whose safety he claimed to be concerned about and considered that the use of an unlicensed vehicle held serious implications for public safety. The Committee considered that other arrangements with taxi firms could have been made and Mr O should have refused to take the female passengers.
- In respect of the 3 September 2017 incident, the Committee considered that Mr's O driving and duty of care fell below the required standard expected of Wyre licensed drivers
- The Committee considered that Mr O's actions warranted a sanction to ensure that his conduct will not be repeated and considered that it was proportionate and reasonable to suspend his licence for 7 days. However members of the committee felt that a harsher punishment was not warranted in the circumstances and decided not to recommend prosecution.

**37 Application for a dual driver licence with declared motoring offences**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing.

The Licensing Manager introduced the report.

The applicant, Mr OS, was present at the meeting.

Mr OS spoke to the committee to explain the circumstances in his defence.

Mr OS responded to questions from members of the Committee.

Mr OS, the Taxi Licensing Officer, the Head of Environmental Health and Community Safety and the Licensing Manager then left the room whilst the committee members considered the application. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that the application submitted by Mr OS be refused.

**The Reasons for the Decisions were:**

- The applicant currently had 9 points on his driving licence and the Committee after listening to the applicant, did not fully accept his explanation for his lapse in motor insurance and considered his conviction for driving without insurance to be too serious an offence to consider issuing a dual driver licence at this time.
- Wyre licensed drivers have a responsible role and are required to display a professional standard of driving, having a total regard and respect for all road and traffic regulations. The members were concerned that as the applicant already had 9 points on his licence he was not able to demonstrate to the Committee's satisfaction that he would take this responsibility seriously enough.
- Accordingly, the Committee were not satisfied that the applicant was a fit and proper person to be a licence holder in Wyre.

**38 New applicant for a Wyre dual driver licence with recent criminal convictions**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist them at a hearing.

The Licensing Manager introduced the report.

The applicant, Mr FS, was present at the meeting.

Mr FS spoke to the committee to explain the circumstances of the incident convictions.

Mr FS responded to questions from members of the Committee

Mr FS, the Taxi Licensing Officer, the Head of Environmental Health and Community Safety and the Licensing Manager then left the room whilst the committee members considered the application. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

**RESOLVED** that the application submitted by Mr FS be refused.

**The Reasons for the Decisions were:**

- The Committee were not satisfied that the applicant was a fit and proper person to be a licence holder in Wyre at this present time.
- It was felt that the applicant's recent convictions of battery and damaging property earlier in the year were too serious and too recent to consider granting a dual driver licence at this time

**Minutes of meeting 6 December 2017**

The meeting started at 6.00 pm and finished at 8.55 pm.

**Date of Publication:** 13 December 2017

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## Licensing Sub-Committee minutes

Minutes of the meeting of the Licensing Sub-Committee made up of three members of the Licensing Committee of Wyre Borough Council held on Wednesday 6 December 2017 at the Civic Centre, Poulton-le-Fylde.

This meeting was a continuation of the Licensing Committee meeting of 30 November 2017 at which the item Review of Premises Licence – Today's Local, 92 Lord Street, Fleetwood, FY7 6JZ was adjourned because the licensee was unable to attend due to illness.

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### Licensing Sub-Committee members present:

Councillor Bridge (Chairman)  
Councillor Catterall  
Councillor Ormrod

### Officers present:

Mary Grimshaw, Senior Solicitor  
Neil Greenwood, Head of Environmental Health and Community Safety  
Niky Barrett, Licensing Manager  
Simon Clark, Environmental Health Officer  
Mandy Seddon, Environmental Health Officer (non-participant)  
Duncan Jowitt, Democratic Services Officer

### Others present:

Helen Parkinson, Lancashire Police  
Lauren Manning, Lancashire County Council (LCC) Trading Standards  
Andrea Forrest, Forrest Solicitors (representing the Premises Licence Holder)  
Arumugan Kalamohan (Premises Licence Holder)  
Nathan Niroshan (Mohan Retail Group)  
Devenanden Diraj (Designated Premises Supervisor (DPS))

No members of the public or press were present.

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### LIC. 39      Declarations of interest

None

**LIC. 40****Review of Premises Licence – Today's Local, 92 Lord Street, Fleetwood, FY7 6JZ**

The Service Director Health and Wellbeing submitted a report to provide members of the Licensing Committee with information to assist members to determine an application from Lancashire Constabulary, submitted under section 51 of the Licensing Act 2003 (the Act), seeking a review of Premises Licence PL(A)0391, in respect of Today's Local, 92 Lord Street, Fleetwood, FY7 6JZ.

The Premises Licence Holder, Mr Kalamohan, was present at the meeting along with Mr Diraj, the current DPS, and Mr Niroshan of Mohan Retail Group. Mr Kalamohan was legally represented by Ms. Forrest.

Before the meeting was able to start, Ms. Forrest had asked if supporting evidence, which she had emailed to one of Wyre's licensing officers earlier that afternoon, could be photocopied and admitted as evidence. As a result the commencement of the meeting was delayed until the documentation had been copied. When the meeting began, the Chairman explained that, although it was important that it was seen to be a fair hearing and that all facts were taken into account, he was very uncomfortable with the late submission of documents. As none of the Responsible Authorities raised any objection to the admission of the evidence, the Chairman then asked Mr. Kalamohan, Mr. Niroshan, Mr. Diraj, Ms. Forrest, the Head of Environmental Health and Community Safety, Environmental Health Officers, Licensing Manager and representatives of the Responsible Authorities to leave the room whilst the sub-committee considered whether to allow the evidence to be taken into account.

When the sub-committee reconvened at 7pm the Chairman announced that, despite having serious reservations that the papers should have been made available in advance to allow them to be read in full, the additional evidence would be admitted and Ms. Forrest could circulate it at the appropriate time.

Cllr Bridge asked whether all of the Responsible Authorities had sent a representative to the meeting and the Licensing Manager informed him that apologies had been received from Lancashire Fire and Rescue Service.

The Licensing Manager then introduced the report and the Chairman offered an opportunity for all participants to ask questions.

Next, the police representative gave a detailed statement outlining their concerns. During the opportunity for participants to ask questions of the police it was confirmed that the police believed that the premises licence should be revoked.

Further evidence was then presented by the representative of LCC Trading Standards which focussed on the discovery of bottles of vodka on the premises which had been found to have counterfeit labels and had been smuggled into the country, which was a very serious matter and that customs had been notified. This was again followed by an opportunity for questions.

The Environmental Health Officer then set out his concerns for public safety, particularly following an explosion caused by the proximity of a heater to gas canisters which had caused injury to an employee. An investigation was currently underway and he said that the premises had been lacking in a number of ways under the Health and Safety at Work Act including having no risk assessment in regard to hazardous substances. He confirmed that Environmental Health also supported the police in calling for revocation of the licence.

With the consent of the sub-committee, the Head of Environmental Health and Community Safety presented the information submitted by Lancashire Fire and Rescue Service. Their involvement followed the canister explosion mentioned previously that had resulted in a projectile causing a lower leg injury to an employee. After meeting with staff and discussing issues, it was found that there were no fire risk assessments and the distance between the shop and accommodation was also found to be inadequate. An enforcement notice had been issued to address the issues and the premises had been provided with an action plan and it was understood that a fire alarm had recently been installed.

The Licensing Officer then summed up the case and confirmed the Licensing Authority's agreement with the police in seeking a full revocation of the premises licence.

Ms. Forrest then spoke to the committee in the owner's defence, expressing surprise at the call for revocation from all of the Responsible Authorities as her understanding was that the police were asking for conditions to be added to the licence. Her subsequent explanation of the mitigating circumstances centred on the fact that a different DPS, Richard Anthony's, was in place when the failed tests took place and that the onus had been on that previous DPS to comply as he had been given full responsibility for running the business. It was Mr Anthony's, she said, that had failed to provide training to staff and not the licence holder, who owned about 20 shops. She stated that good due diligence training was now taking place and formal training for staff was now provided by Under Age Sales Limited. She also queried whether there had been other successful test purchases that had been successful of which the premises were not informed as a test purchase by Camelot was known to have been successful.

Ms. Forrest circulated a number of documents in support of her evidence including:

- Fire Risk Assessment,
- COSSH compliance
- Contract of Employment between Mohan Retail Limited and Nathan Lester,
- Details of training
- Letter from Camelot confirming a successful test purchase from Camelot
- ICO letter regarding data protection renewal registration,

- Management agreement between Mohan Retail Limited and Mr Richard Napolean Anthonys,
- HSE refresher training confirmation,
- Premises age verification policy,
- Licensing training checklist/ Refusals register and
- Images of signs on the premises

The Chairman then invited questions to be asked of the Premises Licence Holder and his legal representative and Ms. Forrest, Mr. Kalamohan, Mr. Niroshan and Mr. Diraj responded to a series of questions from members of the sub-committee and the representatives of the Responsible Authorities.

All participants who were not involved in considering the decision were then asked to leave during the sub-committee's deliberations. Only the members of the sub-committee, the senior solicitor and the democratic services officer remained in the room whilst the case was considered.

The Licensing Sub-Committee then reconvened and the Chairman announced the decision.

**RESOLVED** that the licence for Today's Local be revoked.

**The reasons for the decision were:**

1. The Committee were satisfied from evidence provided by the police, Trading Standards and the Licensing Authority that numerous attempts had been made in the past to encourage the management of the premises to introduce effective staff training and implement a challenge 25 policy. Despite repeated warnings, the premises were still found to be operating in breach of the licence conditions and had general compliance issues as evidenced by the two earlier failed test purchases and the lack of a suitable policy in 2016 to prevent underage sales, a further failed test purchase in September 2017 and a later unscheduled visit that revealed a failure to adhere to the licence conditions. The Committee were satisfied having regard to these repeated failures that the Licensing Objective for the protection of children from harm was being undermined.
2. The Committee heard from Ms Forrest, that a different DPS, Richard Anthonys was in place when the failed test purchases took place. She said that Mr. Anthonys was responsible for the running of the premises and referred to the management agreement he had signed which she said operated like a franchise agreement and stated that the PLH had exercised due diligence. She also referred to the general improvement in the management of the premises with the recent appointment of an experienced DPS and referred to the training that had been undertaken and the procedures that were in place. She expressed surprise at the request for revocation as her understanding was that the police were asking for conditions to be added which the PLH had agreed to. However, the Committee considered that Mr. Kalamohan, as the Premises Licence Holder was ultimately responsible for the premises

and found that there had been little improvement since the failed test purchase failure in 2013. The Committee considered that the premises were poorly managed and there was a general lack of compliance associated with the premises. The Committee were satisfied that there was a discernible pattern of behaviour whereby no clear responsibility had been taken by the PLH and that he was passing off his responsibility to the DPS when in fact it was ultimately his responsibility to uphold the Licensing Objectives for the licensed premises.

3. The Committee heard that despite having been advised in writing in 2011, that a fire risk assessment must be undertaken, the premises had failed to address these issues until an incident occurred in September 2017 resulting in serious injury to a member of staff, which required him to have surgery. The Committee noted Mr Clark's submission that the incident highlighted health and safety non-compliance issues and also revealed the unclear lines of responsibility for health and safety within the company. The Committee considered that these failings also potentially exposed members of the public to hazard and undermined the public safety objective.
4. The Committee heard evidence from Ms Manning that 37 smuggled vodka bottles had been found on the premises in February 2016. The bottles were found to have counterfeit labels to avoid payment of excise duty which the Committee considered to be very serious. The Committee were concerned that the premises were being used for the sale or storage of smuggled alcohol and were satisfied that the crime prevention objective was being undermined. The Committee were not satisfied with the PLH's explanation that the bottles were the responsibility of Mr Richard Anthony's, the previous DPS, as it was noted that Mr. Kalamohan, had signed a form agreeing to transfer the goods to Trading Standards for destruction and ultimately Mr Kalamohan, as the Premises Licence Holder was responsible for ensuring compliance with the Licensing Objectives.
5. The Committee after having considered all of the information were satisfied that the premises, Today's Local were not upholding the Licensing Objectives relating to the Prevention of Crime and Disorder, Protection of Children from Harm and Public Safety. The Committee decided that given the previous failed test purchases, the activity relating to the smuggled vodka bottles, the failure to comply with health and safety and fire safety legislative requirements and the general lack of compliance and cooperation with the Responsible Authorities over a number of years that revocation was appropriate for the promotion of the Licensing Objectives and was proportionate.
6. The Committee considered that the removal of the DPS was not an appropriate option, as Mr Devenandan Diraj had only been recently appointed and the Committee were satisfied that Mr Kalamohan as PLH had overall control and responsibility for the premises.

7. The Committee also considered that a suspension of the licence was not an appropriate option as the recurring failings associated with the premises were longstanding and a short period of closure would not fix these issues.
8. The Committee noted the police's total lack of confidence in the Premises Licence Holder in running the premises which was supported by the other Responsible Authorities and considered that none of the other options available on review would resolve the problems associated with the premises and were not appropriate in the circumstances.

The meeting started at 6.45pm and finished at 9.15pm

**Date of publication:** 13 December 2017

arm/rg/lic/mi/061217



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Before the meeting was able to start, Ms. Forrest had asked if supporting evidence, which she had emailed to one of Wyre's licensing officers earlier that afternoon, could be photocopied and admitted as evidence. As a result the commencement of the meeting was delayed until the documentation had been copied. When the meeting began, the Chairman explained that, although it was important that it was seen to be a fair hearing and that all facts were taken into account, he was very uncomfortable with the late submission of documents. As none of the Responsible Authorities raised any objection to the admission of the evidence, the Chairman then asked Mr. Kalamohan, Mr. Niroshan, Mr. Diraj, Ms. Forrest, the Head of Environmental Health and Community Safety, Environmental Health Officers, Licensing Manager and representatives of the Responsible Authorities to leave the room whilst the sub-committee considered whether to allow the evidence to be taken into account.

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The Licensing Officer then summed up the case and confirmed the Licensing Authority's agreement with the police in seeking a full revocation of the premises licence.

Ms. Forrest then spoke to the committee in the owner's defence, expressing surprise at the call for revocation from all of the Responsible Authorities as her understanding was that the police were asking for conditions to be added to the licence. Her subsequent explanation of the mitigating circumstances centred on the fact that a different DPS, Richard Anthony's, was in place when the failed tests took place and that the onus had been on that previous DPS to comply as he had been given full responsibility for running the business. It was Mr Anthony's, she said, that had failed to provide training to staff and not the licence holder, who owned about 20 shops. She stated that good due diligence training was now taking place and formal training for staff was now provided by Under Age Sales Limited. She also queried whether there had been other successful test purchases that had been successful of which the premises were not informed as a test purchase by Camelot was known to have been successful.

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The Chairman then invited questions to be asked of the Premises Licence Holder and his legal representative and Ms. Forrest, Mr. Kalamohan, Mr. Niroshan and Mr. Diraj responded to a series of questions from members of the sub-committee and the representatives of the Responsible Authorities.

All participants who were not involved in considering the decision were then asked to leave during the sub-committee's deliberations. Only the members of the sub-committee, the senior solicitor and the democratic services officer remained in the room whilst the case was considered.

The Licensing Sub-Committee then reconvened and the Chairman announced the decision.

**RESOLVED** that the licence for Today's Local be revoked.

**The reasons for the decision were:**

1. The Committee were satisfied from evidence provided by the police, Trading Standards and the Licensing Authority that numerous attempts had been made in the past to encourage the management of the premises to introduce effective staff training and implement a challenge 25 policy. Despite repeated warnings, the premises were still found to be operating in breach of the licence conditions and had general compliance issues as evidenced by the two earlier failed test purchases and the lack of a suitable policy in 2016 to prevent underage sales, a further failed test purchase in September 2017 and a later unscheduled visit that revealed a failure to adhere to the licence conditions. The Committee were satisfied having regard to these repeated failures that the Licensing Objective for the protection of children from harm was being undermined.
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and found that there had been little improvement since the failed test purchase failure in 2013. The Committee considered that the premises were poorly managed and there was a general lack of compliance associated with the premises. The Committee were satisfied that there was a discernible pattern of behaviour whereby no clear responsibility had been taken by the PLH and that he was passing off his responsibility to the DPS when in fact it was ultimately his responsibility to uphold the Licensing Objectives for the licensed premises.

3. The Committee heard that despite having been advised in writing in 2011, that a fire risk assessment must be undertaken, the premises had failed to address these issues until an incident occurred in September 2017 resulting in serious injury to a member of staff, which required him to have surgery. The Committee noted Mr Clark's submission that the incident highlighted health and safety non-compliance issues and also revealed the unclear lines of responsibility for health and safety within the company. The Committee considered that these failings also potentially exposed members of the public to hazard and undermined the public safety objective.
4. The Committee heard evidence from Ms Manning that 37 smuggled vodka bottles had been found on the premises in February 2016. The bottles were found to have counterfeit labels to avoid payment of excise duty which the Committee considered to be very serious. The Committee were concerned that the premises were being used for the sale or storage of smuggled alcohol and were satisfied that the crime prevention objective was being undermined. The Committee were not satisfied with the PLH's explanation that the bottles were the responsibility of Mr Richard Anthony's, the previous DPS, as it was noted that Mr. Kalamohan, had signed a form agreeing to transfer the goods to Trading Standards for destruction and ultimately Mr Kalamohan, as the Premises Licence Holder was responsible for ensuring compliance with the Licensing Objectives.
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6. The Committee considered that the removal of the DPS was not an appropriate option, as Mr Devenanden Diraj had only been recently appointed and the Committee were satisfied that Mr Kalamohan as PLH had overall control and responsibility for the premises.

7. The Committee also considered that a suspension of the licence was not an appropriate option as the recurring failings associated with the premises were longstanding and a short period of closure would not fix these issues.
8. The Committee noted the police's total lack of confidence in the Premises Licence Holder in running the premises which was supported by the other Responsible Authorities and considered that none of the other options available on review would resolve the problems associated with the premises and were not appropriate in the circumstances.

The meeting started at 6.45pm and finished at 9.15pm

**Date of publication:** 13 December 2017

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Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	25 January 2018	4

<b>Taxi Licensing and Enforcement Policy Review</b>
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## 1. Purpose of report

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

## 2. Outcomes

- 2.1 Finalise the draft taxi licensing policy and begin a six week consultation period.

## 3. Recommendations

- 3.1 That the Licensing Committee amend and/or agree the draft Licensing Policy.
- 3.2 That the Senior Licensing Officer undertakes a six week consultation with the trade and other relevant persons on the draft policy.
- 3.3 The Senior Licensing Officer in consultation with the Chairman, consider all the responses received and where appropriate, amend the draft policy, before presenting it to the March Licensing Committee meeting, with a view to adoption with effect from 1 April 2018.

## 4. Background

- 4.1 The Council has been reliant on its current policy, which has only been subject to minor amendments over the last decade, when making decisions about the regulation of the Hackney Carriage and Private Hire trade.
- 4.2 Unlike the Licensing Act 2003 and Gambling Act 2005, which create a statutory responsibility on Licensing Authorities to publish their Statement of Policy and to review it at least every five years, the legislation concerned with the taxi and private hire industry is silent in respect of policy.

**4.3** Members will be very aware of a number of high profile, child abuse cases in Rotherham, Rochdale and Oxford, amongst others, which resulted in some local licensing authorities being quite severely criticised, for historically taking too lenient an approach, to the fit and proper test, for licensed drivers.

**4.4** Best practice advocates that all non-statutory policies are reviewed or refreshed periodically. To this end, a complete re-write of the Council's policy has been undertaken, to bring it up to date and ensure that the approach adopted by the Council in respect of taxi licensing prioritises public safety and remains fit for purpose.

## **5. Key issues and proposals**

**5.1** When discharging its functions in relation to taxi and private hire licensing the council's overriding concern is Public Safety.

**5.2** Licensed taxi drivers provide an important service for residents and visitors to the Borough, who in turn should be confident that their driver is a fit and proper person and that the vehicle is safe and suitable for their needs.

**5.3** The revised policy seeks to strengthen this approach and in the spirit of transparency, sets out clearly the expectation on drivers, vehicle proprietors and operators who wish to be licensed by Wyre Council.

**5.4** It encompasses all of the existing standards applied to applicants for driver, vehicle and operator licences and which can be found in the Licensing Unit's published guidance and historic Committee decisions, whilst introducing some new standards and requirements that reflect the changing nature of the industry and the renewed emphasis on a much more vigorous assessment of fit and proper.

**5.5** The following section details some of the key new requirements that the revised policy seeks to introduce:

- A requirement for licensed drivers to register with the Disclosure and Barring Service (DBS) update service.

Prior to the introduction of three year licences, applicants were required to complete an annual disclosure of convictions each time they applied to have their licences renewed. The move to three year licences has inadvertently created a gap in the Licensing Authority's ability to assess the offending behaviour of licensed drivers, outside this three year renewal period.

By introducing this requirement, which is common among other Lancashire Authorities, Wyre can be satisfied that it is able to access the most up to date information about the offending

behaviour of the drivers it licences and routinely audit the DBS records throughout the lifetime of a driver's licence.

- A requirement for a Certificate of Good Conduct from any applicant who has lived for more than 6 continuous months outside the UK, in the 10 years prior to their first application.

Historically Wyre has had very few applicants who would fall into this category, but with the greater movement of people throughout European Countries and beyond, applicants who would fall into this category are increasing. The Disclosure and Barring Service only holds information from the UK legal system and without this requirement, Wyre cannot be satisfied as to the existence or otherwise, of any relevant offending behaviour outside the UK.

- Unlike some Lancashire Authorities, Wyre does not insist on a specific BTEC or NVQ qualification for its drivers, it has instead relied on drivers being required to hold a relevant driving licence for a minimum of 2 years, by way of demonstrating their competence on the roads, before they can be considered for a Dual Driver's Licence. This policy is not seeking to change this approach.
- Wyre has previously allowed a grace period of up to six months for drivers who fail to renew their licences, to be exempt from having to re-sit the Knowledge Test. This period is proposed to be reduced to one month, to discourage licensed drivers from allowing their licences to lapse.
- The policy introduces the position that Wyre will not consider applications for vehicle licences in respect of cars that have previously been written off by insurers as category A, B, or S. It will however consider licensing category N write offs. These new categories replaced the older A, B, C and D write offs, last October 2017.
  - 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.
  - N relates to vehicles that have sustained non-structural damage that is repairable.

Whilst category S vehicles can potentially be repaired and may then be suitable for ordinary social, domestic and pleasure use, licensed vehicles are placed under significantly higher demand and must be safe and suitable to convey members of the public. It is proposed therefore that the Council's position is that any vehicle that it licenses must not have had its structural integrity compromised at any time.

- Vehicles must have a current MOT (where required) in addition to passing the Council's own taxi test, undertaken at the Council's Copse Road Testing facility.

Historically Wyre Council has held an exemption certificate for vehicles that pass the taxi test, meaning they did not have to have a separate MOT. The testing was undertaken by a preferred supplier on our behalf, but was not registered on the National database that is routinely accessed by Police and other agencies.

In April the taxi test is being brought in-house following the successful capital investment in the Copse Road Garage, which has now been granted MOT testing status.

The new arrangement will see all vehicles passing the taxi test, being issued with an MOT certificate which will be registered on the national database. The MOT will remain valid even if the vehicle ceases to be licensed. Under the current arrangements proprietors would have to get a new MOT as soon as their vehicle comes off the fleet, to be road legal.

- Factory fitted glass to the front of the driver's pillar must permit at least 70% light through and no vehicle may have any film designed to tint or darken windows applied to it.

This new position in respect of 'privacy' glass in the rear of vehicles is on public safety grounds. Passengers being conveyed in licensed vehicles should be clearly visible to anyone outside the vehicle to deter unscrupulous drivers from any activity which could compromise their passenger's safety or wellbeing.

- Private Hire Operators will be expected to train all of the dispatch staff they employ and who do not also hold dual drivers licences, in basic safeguarding and CSE awareness.

Wyre brought in the requirement for all Licensed Operators and Drivers to undergo basic training on these topics some time ago.

Non-licensed dispatch staff are in daily contact with some of the most vulnerable members of our society and their role gives them a perfect opportunity to spot patterns of repeat bookings or other circumstances which could be indicative of an underlying safeguarding issue.

Without appropriate training however, they may not recognise signs of CSE or know how, or to who, they should report suspect behaviour. It is proposed to condition Operators to ensure that all their non-licensed dispatch staff are appropriately trained, using the free training package via Lancashire County Council's website.



- Licensed drivers are currently only required by conditions to disclose any new convictions acquired, during the lifetime of their licence. This requirement is being extended to include:
  - 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, within criminal law including Criminal Behaviour Orders or similar;
  - Any arrest for any offence (whether or not subsequently charged)

This is part of the increased scrutiny that all licensed drivers will be subject to and goes to assuring our residents and visitors to the borough alike, that Wyre Licensed Drivers are fit and proper to hold such licences.

- 5.6** Other amendments to the standard conditions on driver, vehicle proprietor and operator licence holders, have been drafted to assist licensing officers to effectively regulate the trade and to reinforce the high standards of behaviour expected from licence holders.
- 5.7** The revised policy also includes an updated statement of policy on convictions and other relevant matters which, once adopted, will assist members of the Committee, to reach considered and consistent decisions, when questions about an individual's fitness to hold a licence are raised. However, the policy is not an immutable policy and every individual case should be treated on its own merits
- 5.8** The Local Government Association had produced a template, to assist Licensing Authorities to develop their own approach to taxi licensing matters and this format was used, when drafting the proposed Convictions Policy.
- 5.9** Members will see that the draft Convictions Policy is far more comprehensive than the existing one. The proposed policy includes matters such as conditional discharges, fixed penalties, reprimands credible intelligence, arrests or complaints, even when the CPS take the decision not to prosecute.
- 5.10** The Licensing Authority is not required to determine the fit and proper standard beyond all reasonable doubt, it merely has to be satisfied on the balance of probability, if an individual is, or isn't, a fit and proper person.
- 5.11** It is entirely correct then that any and all credible information about the conduct of an individual is considered, regardless of where or how that information originated.

**5.12** The revised policy significantly increases the period of time that should elapse after convictions, to between 3 and 10 years, depending on the type of offence, before an application would be considered

**5.13** It also seeks to introduce the principle of refusal for the most serious types of violent, sexual or indecency offences.

**5.14** Where the Committee reach a decision, particularly if that decision is to refuse to grant or renew, or to revoke a licence, and that decision is subsequently challenged in the Magistrates Court, case law states that on any appeal, the Court must have regard to the Council's published policy and should not lightly overturn a decision that reflects a properly consulted on and adopted policy. However, the Court may depart from the policy if they consider there is justification for doing so and if they consider the previous decision was wrong.

<b>Financial and legal implications</b>	
Finance	There are no financial implications arising directly from this report
Legal	Once adopted members should take into account the revised policy when determining private hire and hackney carriage applications. However, the policy is not an immutable policy and every individual case should be treated 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.

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

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

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<b>List of background papers:</b>		
name of document	date	where available for inspection
Taxi Licensing & Enforcement Policy	V02 reprint April 2011	Licensing section

**List of appendices**

Appendix 1 - Draft Hackney Carriage and Private Hire Licensing Policy (V03)

arm/rg/lic/cr/18/2501nb2

## Hackney Carriage and Private Hire Licensing Policy



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## **Appendix 9 Private Hire Operator Conditions**

### **INTRODUCTION**

Hackney Carriages have been licensed since the Police and Town 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 Public Safety 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.
- 1.5 The Council will, through the regulation of the trade seek to promote the following objectives:
  - Public Safety
  - 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
  - Driver and Vehicle Standards Agency (formally VOSA)
  - HM Revenue and Customs
  - UKBA
  - DWP

- Lancashire County Council
- The Office of the Police and Crime Commissioner
- Other Licensing Authorities

1.7 This policy will come into effect on 1 April 2018 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 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 or enacted.

- Criminal Procedures & Investigations Act 1996
- Data Protection Act 1998
- Deregulation Act 2015
- Disability Discrimination Act 1995
- Equality Act 2010
- Freedom of Information Act 2000
- 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 Traffic Act 1988
- Road Traffic Regulation Act 1984
- Town Police Clauses Act 1847 and 1889
- Transport Acts of 1981 and 1985

### **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 the appropriate 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 may 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 in line with many other Licensing Authorities, Wyre Council has adopted the following test. "In light of the information before you, would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person, alone?"
- 3.1.2 The Council has a published policy on convictions and other relevant matters which are likely to impact on an individual's suitability to hold a licence (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**

All applicants must be at least 18 years of age. The Council does not currently have a maximum age for drivers it will licence and each application is assessed on its own merits.

#### **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 may also be accepted from people who have held a full driving licence, issued by a country within the European Community (EC) or in the European Economic Area (EEA), for a minimum of 2 years immediately before making their application.
- 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, in accordance with the Immigration Act 2016. 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.
- 3.5.2 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 (DBS)**

- 3.6.1 All applicants for a Dual Driver Licence are required to provide a DBS enhanced disclosure certificate. This must be applied for via the Council's nominated service provider, GB Group.
- 3.6.2 Enhanced Disclosure 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 updating service and to authorise the Council to undertake periodic checks with the DBS, as to whether there has been any change to their status, since the last disclosure certificate was issued.
- 3.7.2 This will not negate the need for licensed drivers to inform the Licensing Authority of any new arrests, convictions, cautions etc., where appropriate.
- 3.7.3 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 Medical Fitness**

- 3.8.1 The Council recognises that licensed drivers should meet more stringent medical standards than is expected of people who drive a vehicle for social, domestic and pleasure purposes.
- 3.8.2 Licensed drivers are entrusted with the safety of the travelling public and may drive for much longer hours than non-professional drivers. To this end Council requires all licensed drivers to meet the Group 2 standard used by the DVLA when licensing Public Service Vehicle drivers.
- 3.8.3 Medical certificates, completed by the driver's own GP, are required on first application and then every 6 years until the driver reaches the age of 45, then every 3 years until the driver reaches 65 and thereafter every year.
- 3.8.4 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 to suspend the driver's licence until such time as it can be satisfied that the driver is fit.
- 3.8.5 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 drive a licensed vehicle.
- 3.8.6 No applicant will be issued a licence until medical fitness has been established.

### **3.9 Local Area Knowledge Test**

- 3.9.1 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.
- 3.9.2 The Council acknowledges that it is important to the travelling public, that the drivers it licences, have a good knowledge of the Borough, its boundaries, the Highway Code and the ability to comprehend and communicate effectively in English.
- 3.9.3 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.
- 3.9.4 Previously licensed drivers, who have allowed their licence to lapse, for whatever

reason, will have a one month grace period to reapply, without the need to re-take the knowledge test.

- 3.9.5 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.
- 3.9.6 Applicants must bring in their DVLA driving licence on the day of the test. Applicants must ensure that that the photo-card driving licence has not expired and that all details on it, including their address are current.
- 3.9.7 If an applicant fails the first test, a period of one week should elapse before they are eligible to take a second test.
- 3.9.8 If the second test is failed, the applicant will have to wait two weeks before being eligible to taking a third test.
- 3.9.9 Failure of a third test would render the applicant not fit and proper and a minimum of four weeks should elapse before the applicant is eligible for any further attempts.

### **3.10 Safeguarding and Child Sexual Exploitation (CSE) training**

- 3.10.1 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.
- 3.10.2 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.
- 3.10.3 In order for licensed drivers to recognise the signs of CSE and to enable them to report suspicious behaviour appropriately, all applicants for Dual Driver's Licence shall have completed basic safeguarding and CSE awareness training, provided via the Council, before they will be considered for a licence.

### **3.11 Dress Standards**

- 3.11.1 The Council expects all licensed drivers not only to be professional when working, but also to look professional.
- 3.11.2 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 clothing that includes offensive words or graphics
  - Wear inappropriate clothing, including very short skirts or tops that do not cover the shoulders

### **3.12 Alcohol and Tobacco products.**

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

### **3.13 Dual Driver Conditions**

All Dual Driver Licences are issued subject to the Standard Dual Driver Conditions

(Appendix 2) and the Driver's Code of Conduct (Appendix 3).

### **3.14 Application process**

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

## **4. HACKNEY CARRIAGES**

### **4.1 Hackney Carriage By-Laws**

All Hackney Carriage Vehicle Licences issued by the Council are subject to the Hackney Carriage By-Laws (Appendix 4) and the Hackney Carriage Standard Vehicle Conditions (Appendix 5).

### **4.2 Restrictions on the issue of Hackney Carriage Licences**

4.2.1 The Council currently restricts the number of Hackney Carriages it licenses to 160.

4.2.2 Every 3 years the Council undertakes a survey to establish if there is an unmet demand for Hackney Carriages which it would need to address by increasing the limits for licensed Hackney Carriages.

### **4.3 Duration of Licences**

Hackney Carriage 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.

### **4.4 General**

4.4.1 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.

4.4.2 Hackney Carriages must be right hand drive and shall have been so since the date of first registration.

4.4.3 Hackney Carriages must not have any fittings attached to, or carried on the inside or outside of the vehicle, unless they have been specifically approved by the Council.

4.4.4 Hackney Carriages must not display any signs, notices or advertisements that are not legally required, or have been expressly authorised by the Council.

4.4.5 Hackney Carriages must display in the top left-hand corner of the windscreen, the 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.

4.4.6 No smoking signs must also be displayed in accordance with the Health Act 2006.

4.4.7 Hackney Carriages 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.

4.4.8 All vehicles shall have an appropriate "type approval" which is either a:-

- i) European Whole Vehicle Type approval;
- ii) British National Type approval; or
- iii) British Single Vehicle Approval.

It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.

4.4.9 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.

#### **4.5 Bodywork**

- 4.5.1 Hackney Carriages shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.
- 4.5.2 There shall be no significant sign of corrosion, including visible rust or blistering of paintwork.
- 4.5.3 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.
- 4.5.4 Electronically operated steps must have a failsafe device which prevents the vehicle from moving while the step is extended.

#### **4.6 Windows**

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

#### **4.7 Roadworthiness**

- 4.7.1 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.
- 4.7.2 The Council will not issue a Hackney Carriage 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.
- 4.7.3 Hackney Carriages must pass the Council's roadworthiness test, no earlier than 28 days before a licence is granted. The 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 garage.
- 4.7.4 Licensed Hackney Carriages 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 owner 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

#### **4.8 Insurance**

- 4.8.1 Hackney Carriage 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 vehicle is not adequately insured for public hire will result in the immediate suspension of the Hackney Carriage Vehicle Licence.
- 4.8.2 Hackney Carriage vehicle proprietors must produce proof of the policy required in 4.8.1 to an Authorised Officer of the Council or Police Constable, on request.

#### **4.9 Wheelchair Accessibility**

- 4.9.1 The Council invites applications for a Hackney Carriage Licence for vehicles which

are wheelchair accessible. There is currently no restriction on whether accessibility is via rear or side loading doors.

4.9.2 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.

#### **4.10 Passenger numbers**

4.10.1 Hackney Carriage licences will normally be issued for the carriage of between 4 and 8 passengers.

4.10.2 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.

4.10.3 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.

4.10.4 The Council will not licence a vehicle to carry passengers in seats which require other seats to be moved in order to permit access or egress.

4.10.5 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.

4.10.6 Applications for vehicle licences which do not meet these criteria will be referred to the Licensing Committee for consideration.

#### **4.11 Taximeters**

4.11.1 All Hackney Carriages must be fitted with a calendar controlled taximeter which is sealed and approved by a recognised agent.

4.11.2 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.

#### **4.12 CCTV**

4.12.1 The Council recognises that there are benefits to the trade and passengers of having CCTV installed in licensed vehicles but is also mindful that there are data protection concerns arising from the use of such surveillance.

4.12.2 CCTV or any other image recording device may not be used within a Hackney Carriage without the prior express consent of the Licensing Authority.

4.12.3 Proprietors of licensed vehicles are responsible for ensuring that where CCTV is installed, it conforms to the Council's requirements and relevant legislation.

4.12.4 It is not recommended that audio recording is available as a general rule, unless there is a specific threat to persons in the vehicle.

4.12.5 The person responsible for the camera must be registered as the Data Controller under Data Protection legislation and CCTV systems must comply with current data protection requirements and all other aspects of the law regarding CCTV systems including guidance from the Surveillance Camera Commissioner and Information Commissioner's Office.

4.12.6 There must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

- 4.12.7 CCTV systems must be capable of storing files in a manner which prevents them being downloaded or viewed by the driver or any passenger in the vehicle.
- 4.12.8 The storage device must be encrypted and files may only be downloaded by an Authorised Officer of the Council or a Police Constable. Access provisions and agreements must be in place to ensure continuity of evidence.
- 4.12.9 The CCTV system supplier shall furnish the Council with free de-encryption software, along with a lifetime licence for the use of such software, as may be required.

#### **4.13 Intended Use**

- 4.13.1 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.
- 4.13.2 Hackney Carriage proprietors are required to confirm on each and every application that they intend to ply for hire predominantly within Wyre.
- 4.13.3 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.
- 4.13.4 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.

#### **4.14 Hackney Carriage Ranks**

- 4.14.1 The Council has provided a number of designated Hackney Carriage ranks throughout the Borough (Appendix 6).
- 4.14.2 Where a designated ranks design requires Hackney Carriage driver's to queue, the front vehicle must be positioned so as to allow the 2<sup>nd</sup> vehicle to easily pass and leave the rank.
- 4.14.3 Drivers **must not** leave a vehicle unattended on a rank at any time.

#### **4.15 Application procedure**

- 4.15.1 All Hackney Carriage Licenses and plates 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.
- 4.15.2 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.
- 4.15.3 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)
  - The appropriate fee.

## **5. PRIVATE HIRE VEHICLES**

### **5.1 Private Hire Vehicle Conditions**

All Private Hire Vehicle Licences issued by the Council are subject Standard Conditions for Private Hire Vehicles (Appendix 7).

### **5.2 Duration of Licences**

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

### **5.3 General**

5.3.1 Private Hire vehicles must not have any fittings attached to, or carried on the inside or outside of the vehicle, unless they have been specifically approved by the Council.

5.3.2 Private Hire vehicles must be right hand drive and shall have been so since the date of first registration.

5.3.3 Private Hire vehicles must not display any signs, notices or advertisements that are not legally required or have been expressly authorised by the Council.

5.3.4 Private Hire vehicles must display in the top left-hand corner of the windscreen, the 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.

5.3.5 Private Hire vehicles must carry a 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.

5.3.6 All vehicles shall have an appropriate "type approval" which is either a:-

- i) European Whole Vehicle Type approval;
- ii) British National Type approval; or
- iii) British Single Vehicle Approval.

It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.

5.3.7 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.

### **5.4 Bodywork**

5.4.1 Private Hire vehicles shall have no signs of accident damage and the paintwork shall be of a consistent colour over the whole of the vehicle.

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

5.4.3 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 highly visible colour which differs from the colour of the vehicle.

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

### **5.5 Windows**

All factory fitted glass to the front of the drivers pillar, shall permit a minimum of 70% light transmission and no vehicle shall be fitted with additional film designed to tint or



darken the glass.

## **5.6 Roadworthiness**

- 5.6.1 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.
- 5.6.2 The Council will not issue a Private Hire Licence for any vehicle that has previously 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.
- 5.6.3 Private Hire vehicles must pass the Council's roadworthiness test, no earlier than 28 days before a licence is granted. The 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 garage.
- 5.6.4 Licensed Private Hire 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 owner 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

## **5.7 Insurance**

- 5.7.1 Private Hire 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 vehicle is not adequately insured for private hire will result in the immediate suspension of the Private Hire Vehicle Licence.
- 5.7.2 Private Hire vehicle proprietors must ensure that the insurance certificate required in 5.7.1 is produced for an Authorised Officer of the Council or Police Constable, on request.

## **5.8 Wheelchair Accessibility**

- 5.8.1 The Council invites applications for a Private Hire Vehicle Licence for vehicles which are wheelchair accessible. There is currently no restriction on whether accessibility is via rear or side loading doors.
- 5.8.2 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.

## **5.9 Passenger numbers**

- 5.9.1 Private Hire Vehicle Licences will be normally issued for the carriage of between 4 and 8 passengers.
- 5.9.2 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. The Council will not normally licence a vehicle to carry passengers in seats which require other passengers to move to permit access or egress.
- 5.9.3 The Council will not normally licence rear facing seats unless they are secured to the bulk head in a purpose build vehicle specifically manufactured for the carriage of passengers for hire or reward.

5.9.4 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.

5.9.5 Applications for vehicle licences which do not meet these criteria will be referred to the Licensing Committee for consideration.

#### **5.10 Taximeters**

5.10.1 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.

5.10.2 Where a taximeter is fitted, the current tariff must be displayed where it can easily be seen and read by the passenger.

#### **5.11 CCTV**

5.11.1 The Council recognises that there are benefits to the trade and passengers of having CCTV installed in licensed vehicles but is also mindful that there are data protection concerns arising from the use of such surveillance.

5.11.2 CCTV or any other image recording device may not be used within a Private Hire vehicle without the prior express consent of the Licensing Authority.

5.11.3 Proprietors of licensed vehicles are responsible for ensuring that where CCTV is installed, it conforms to the Council's requirements and relevant legislation.

5.11.4 It is not recommended that audio recording is available as a general rule, unless there is a specific threat to persons in the vehicle.

5.11.5 The person responsible for the camera must be registered as the Data Controller under Data Protection legislation and CCTV systems must comply with current data protection requirements and all other aspects of the law regarding CCTV systems including guidance from the Surveillance Camera Commissioner and Information Commissioner's Office.

5.11.6 There must be a minimum of 2 signs which are clearly visible to passengers, advising them of the presence of CCTV.

5.11.7 CCTV systems must be capable of storing files in a manner which prevents them being downloaded or viewed by the driver or any passenger in the vehicle.

5.11.8 The storage device must be encrypted and files may only be downloaded by an Authorised Officer of the Council or a Police Constable. Access provisions and agreements must be in place to ensure continuity of evidence.

5.11.9 The CCTV system supplier shall furnish the Council with free de-encryption software, along with a lifetime licence for the use of such software, as may be required.

#### **5.12 Executive Vehicles**

5.12.1 Wyre Council does not provide a definitive list of vehicles it considers to be suitable for the dispensation to display external identification plates.

5.12.2 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 must be of a standard of comfort and equipped to a level equal to, or above luxury brands of vehicles such as 'S' and 'E' class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons.
- Only vehicles under 5 years old would ordinarily be considered for executive hire.

5.12.3 When considering such applications the Committee will not take into account the applicants personal or financial circumstances, but 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

5.12.4 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.

5.12.5 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.

### **5.13 Application procedure**

5.13.1 All Private Hire Vehicle Licenses and plates 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.

5.13.2 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.

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

- A valid, 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)
- Payment of the appropriate fee.

## **6. STRETCHED LIMOUSINES**

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

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

6.3 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 Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate
- (iv) Limousine Declaration of Condition of Use

- They must have appropriate, Private Hire insurance
- They must have passed the Council's roadworthiness test within the last 28 days
- They 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 drivers 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.

6.4 Licences will be issued subject to the Standard Conditions for Private Hire Vehicles (Appendix 7) and the Standard Conditions for Stretched Limousines (Appendix 8).

## **7. PRIVATE HIRE OPERATORS**

### **7.1 General**

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

7.1.2 Private Hire operators are responsible for ensuring that all the vehicles and drivers they dispatch hold valid, appropriate licences to undertake those journeys and will only be granted a licence, if the Council is satisfied that they are fit and proper to hold such a licence.

7.1.3 All Private Hire Operator's Licences are issued subject to Standard Conditions (Appendix 9).

### **7.2 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.

### **7.3 Application procedure**

7.3.1 All Private Hire Operators Licenses 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.

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

- Valid, appropriate insurance policy(s)

- Basic Disclosure Certificate issued no more than 1 month prior to the application. This requirement will not apply to any applicant who also holds a Wyre Dual Driver's Licence
- Payment of the appropriate fee.

#### **7.4 Safeguarding and Child Sexual Exploitation (CSE) training**

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 In order for them to recognise the signs of CSE and to enable them to report suspect behaviour or bookings appropriately, all applicants for a new Private Hire Operators Licence shall have completed basic safeguarding and CSE awareness training, provided via the Council before they will be granted a licence.
- 7.4.4 Operators will also be 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.
- 7.4.5 Training records should be held by the operator and made available to any Authorised Officer of the Council, on request.

#### **7.5 Disclosure and Barring Service Checks (DBS)**

- 7.5.1 Applicants for a Private Hire Operators Licence who do not hold a Dual Drivers Licence are required to provide a basic disclosure certificate issued by the Disclosure and Barring Service and dated within 1 month of their application.
- 7.5.2 Applicants who also hold a Dual Driver Licence are not required to provide a basic disclosure certificate, as the Licensing Authority will have already assessed their enhanced disclosure when granting a driver's licence.
- 7.5.3 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.

#### **7.6 Insurance**

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

#### **7.7 Premises**

- 7.7.1 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.
- 7.7.2 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.
- 7.7.3 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.

## **7.8 Records**

7.8.1 Private Hire Operators are required to keep comprehensive records of all bookings. As a minimum, Licensed Operators must record:-

- The date and time of each booking
- The name and address of the hirer
- The address point of the pick up
- 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

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

## **8. REGULATION & ENFORCEMENT**

8.1 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.

8.2 Anyone who wishes to complain about a licensed driver, vehicle or operator should contact the Licensing Unit on 01253 887225/887406 or email [licensing@wyre.gov.uk](mailto:licensing@wyre.gov.uk). 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

8.3 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.

8.4 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.

## **9. FARES**

9.1 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.

9.2 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.

9.3 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.

9.4 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.

## **10. FEES**

10.1 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.

- 10.2 A list of the current application fees can be found on the Council's website along with some miscellaneous charges to cover the cost of administering the transfer of ownership of a vehicle and the provision of duplicate plates, badges and licences.
- 10.3 Licence holders who surrender a licence before its natural expiry, are not eligible for a refund.



**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, a Private Hire Operator's Licence, 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 line with many other Licensing Authorities, Wyre Council has adopted the following test. "In light of the information before you, would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"
- 1.4 If the answer to this question is an unqualified yes, then that person can be considered to be fit and proper.
- 1.5 If however, there are any doubts in the minds of those responsible for determining an application, further careful consideration should be given as to whether a licence should be granted.
- 1.6 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 factors, including but not limited to; the demeanour, medical fitness, integrity and general character of the applicant; their driving ability; any soft intelligence from the Police or other regulatory body and any relevant information from other Licensing Authorities.
- 1.7 In the case of existing licence holders the Licensing Committee will also take account of any history of compliance issues, or complaints.
- 1.8 The overriding aim of the Licensing Authority is to protect the safety of 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.
- 1.9 This policy provides guidance to anyone with an interest in public and private hire licensing. In particular, but not exclusively:
  - Applicants for drivers' licenses
  - Existing licensed drivers whose licences are being reviewed or renewed
  - Licensing officers
  - Members of the licensing committee
  - Magistrates hearing appeals against local authority decisions
- 1.10 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.

- 1.11 Where the Authority substantially depart from its policy, clear and compelling reasons shall be given for doing so.
- 1.12 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.
- 1.13 Nothing in this Policy prevents a Licensing Officer from referring any applicant or licensed driver to the Licensing Committee, where they find it appropriate to do so, in the circumstances.
- 1.14 Whilst this policy will not routinely be applied retrospectively, should the conduct, or offending activity of an existing licence holder be of concern to the Licensing Authority, following its implementation, the Council may having regard to this policy, consider such activity and re-evaluate any decision made in reliance on the previous policy.
- 1.15 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.
- 1.16 The term "applicant" refers to new applicants and existing licence holders.
- 1.17 The term "from date sentence ended" relates to the actual sentence imposed and not to the time served, by the offender.
- 1.18 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 in respect of sexual 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 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 Dual Driver's or Private Hire Operator's licence on the grounds that the licensing authority is not satisfied they are a fit and proper person, 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 drivers' licence or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence.

However, if an applicant has any convictions, warnings, cautions or charges awaiting

trial, the Licensing Authority will 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. Circumstances of the individual concerned
  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 might be relevant
- 6.2 Existing holders of drivers' licences are required to notify the Licensing Authority in writing within 72 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, within criminal law including Criminal Behaviour Orders 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 receive updates. Licensees are expected to 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 deliberately 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 Serious Offences involving Violence**
- 7.1 Licensed drivers have significant power over any passengers that they convey and to

this end the Licensing Authority takes a very firm line with any applicant who has convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

- 7.2 A licence will not normally be granted where the applicant has a conviction for offences such as:
1. Murder
  2. Manslaughter
  3. Manslaughter or culpable homicide while driving
  4. Terrorism offences
  5. Or any similar offences, including attempted or conspiracy to commit offences, which replace the above
- 7.3 A licence will not normally be granted where the applicant has a conviction for one of the following types of offence, unless at least 10 years has passed since the conviction or completion of any sentence and/or licence period:
1. Arson
  2. Any racially-aggravated offence against a person or property
  3. Malicious wounding or grievous bodily harm
  4. Assault occasioning actual bodily harm
  5. Robbery
  6. Possession of firearm
  7. Riot
  8. Assault Police
  9. Affray
  10. Violent disorder
  11. Resisting arrest
  12. Any offence that may be categorised as domestic violence
  13. Or any similar offences, including attempted or conspiracy to commit offences, which replace the above.
- 7.4 A licence will not normally be granted where the applicant has a conviction for one of the following types of offence unless at least 5 years has passed since the conviction or completion of any sentence and/or licence period:
1. Common assault
  2. S5 Public Order Act 1986 offence (harassment, alarm or distress)
  3. S.4 Public Order Act 1986 offence (fear of provocation of violence)
  4. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
  5. Obstruction
  6. Criminal damage
  7. Or any similar offences, including attempted or conspiracy to commit offences which replace the above
- 7.5 A licence will not normally be granted if an applicant has more than one conviction for any offence of a violent nature.
- 8. Possession of a weapon**
- 8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to convey members of the public.
- 8.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years, or at least 5 years must have passed since the completion of

the sentence, whichever is longer, before an application can be considered.

## **9. Sexual and indecency offences**

9.1 As licensed drivers are entrusted to carry unaccompanied or otherwise vulnerable passengers, the Licensing Authority will take a very strong line in relation to applicants with convictions for sexual or indecency offences and will normally refuse such applications. Any sexual or indecency offence is considered as serious and includes, but is not limited to:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Sexual assault
5. Indecent assault
6. Exploitation of prostitution
7. Trafficking, sexual abuse against children and/or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003)
8. Making or distributing obscene material
9. Possession of indecent photographs depicting child pornography etc.
10. Indecent exposure
11. Soliciting (kerb crawling)
12. Making obscene/indecency telephone calls
13. Any sexual or indecency offence that was committed during the course of employment as a licensed taxi or private hire driver.
14. Any similar offences, including attempted or conspiracy to commit offences, which replace the above.

9.2 Applicants with convictions for sexual or indecency offences that involve a third party will also normally be refused a licence.

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

## **10. Dishonesty**

10.1 Licensed drivers are expected to be trustworthy. They are privy to sensitive information such as the period that homes are unoccupied, having taken the occupiers to and from the airport.

They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.

Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

10.2 In general, a minimum period of 5 years free of conviction, or from completion of any sentence (whichever is longer) would be required before an application can be considered. Offences involving dishonesty include:

1. Theft
2. Burglary
3. Fraud

4. Benefit fraud
  5. Handling or receiving stolen goods
  6. Forgery
  7. Conspiracy to defraud
  8. Obtaining money or property by deception
  9. Other deception
  10. Taking a vehicle without consent
  11. Fare overcharging
  12. Or any similar offences, including attempted or conspiracy to commit offences, which replace the above
- 10.3 A licence will not normally be granted if an applicant has more than one conviction for an offence involving dishonesty.
- 10.4 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 issued with a licence, or have their licence revoked.

## **11. Drugs**

- 11.1 A serious view is taken of any drug related offence. A licence will not normally be granted where the applicant has a conviction for an offence related to the possession with intent to supply drugs and has not been free of convictions for at least 10 years.
- 11.2 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 11.3 An applicant who has an isolated conviction for an offence related to the possession of drugs, other than with intent to supply, within the last 5 years, may be considered for a licence, but only where the Licensing Committee are satisfied that the applicant or licence holder, would not pose a threat to public safety, by reason of their drug use.
- 11.4 Where there is evidence of persistent drugs use, misuse or dependency, an applicant will be required to show evidence of 5 years free from drug taking, after detoxification treatment, before they could be considered for a licence.
- 11.5 A licence will not normally be granted if an applicant has more than one conviction for drugs related offences.

## **12. Driving offences involving the loss of life**

- 12.1 A very serious view will be taken of any applicant who has been convicted of any driving offence that resulted in the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. or any similar offences

## **13. Drink/Drug driving/using a mobile phone whilst driving**

- 13.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs.

- 13.2 An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence, however at least 3 years after the restoration of the driving licence following a drink/drug drive conviction, should elapse, before such an application will be considered.

If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

- 13.3 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. Drivers who use a mobile phone suffer physical and cognitive distraction and evidence shows that drivers who use a mobile phone, have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view is taken of convictions for driving whilst using a mobile phone, as for driving under the influence of drink or drugs.
- 13.4 A licence will not normally be granted if an applicant has more than one conviction for driving under the influence of drink or drugs, or whilst using a mobile phone.

#### **14. Licensing offences**

- 14.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of at least 3 years has passed since conviction.
- 14.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

#### **15. Insurance offences**

- 15.1 A serious view is taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop an application being considered provided that the applicant has been free of conviction for at least 3 years. If a licence is granted, a strict written warning will be issued as to future behaviour.
- 15.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 15.3 An 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 3 years has elapsed.

#### **16. Outstanding charges or summonses**

- 16.1 If the applicant is the subject of an outstanding charge or summons involving a serious offence, in the interests of public safety the application may be put on the application will be considered on a case by case basis having regard to this policy.

#### **17. Non-conviction information**

- 17.1 The Council will also take into account situations or circumstances that have not led to a conviction, for whatever reason. This will include cautions, 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.



- 17.2 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, of beyond all reasonable doubt and must merely be satisfied, on the balance of probability that the mischief under consideration had occurred.
- 17.3 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.
- 17.4 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 should be given to refusing the application.
- 17.5 In assessing the appropriate course of action to take, the safety of the travelling public must be the paramount concern.

## **18. Once a licence has been granted**

- 18.1 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.
- 18.2 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.
- 18.3 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.

## **19. Licences issued by other licensing authorities**

- 19.1 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.

## **20. Summary**

- 20.1 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 3 and 10 years, depending on the type of crime committed, before an application can be considered.
- 20.2 Where an applicant has been disqualified from driving for 56 or more days, for whatever reason, they will not normally be considered for a licence until at least 3 years has elapsed since their DVLA licence was reinstated.
- 20.3 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.
- 20.4 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. Obviously 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 incur a disqualification.

The period that an endorsement remains on a licence is measured from either the date of offence or the date of conviction.

Source: [www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points](http://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points) Jan 18

Code	Offence	Penalty points	Endorsement remains on licence (years)
<b>Accident Offences</b>			
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
<b>Disqualified Driver</b>			
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
<b>Careless Driving</b>			
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
<b>Construction &amp; Use Of Offences</b>			
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
<b>Dangerous Driving</b>			
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
DD80	Causing death by dangerous driving	3-11	4 Conviction
DD90	Furious Driving	3-9	4 Conviction
<b>Alcohol</b>			
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 provide specimen for breath test	4	4 Offence #
<b>Drugs</b>			
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 #
<b>Insurance Offences</b>			
IN10	Using a vehicle uninsured against third party risks	6-8	4 Offence
<b>Licence Offences</b>			
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 revoked or refused on medical ground	3-6	4 Offence
<b>Miscellaneous Offences</b>			
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
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
<b>Motorway Offences</b>			
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3	4 Offence
<b>Pedestrian Crossings</b>			
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
<b>Speed Limits</b>			
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
<b>Traffic Directions And Signs</b>			
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
<b>Special Code</b>			
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified		4 Conviction
<b>Theft or Unauthorised Taking</b>			
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.

**Disqualifications**

If a driver is disqualified from driving for 56 or more days, they must apply for a new licence before driving again. They might also have to retake the driving test, or take an extended driving test before getting a full licence.

Drivers disqualified for under 56 days do not need to reapply for a licence and may resume driving following the completion of the disqualification period.



### **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 72 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 including Anti-Social Behaviour Orders or similar;
- 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**

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

## **10. Guide Dogs & Assistance Dogs**

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





### **Code of Conduct for Licensed Drivers**

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

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

### **Promotion of professional standards**

Licence holders shall:

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

### **Protection of public health and safety**

Licence holders shall:

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

### **Protection of the environment**

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

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

### **At private hire offices**

Licence holders shall:

- Not undertake servicing or repairs of vehicles,
- Not allow their radio/music to cause disturbance to residents,

- Take whatever additional action is necessary to avoid disturbance to residents which may arise from the conduct of their business.

**At taxi ranks a licence holder shall:**

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

**Working with vulnerable passengers**

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

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

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

Drivers should remain professional at all times and must never:

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

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



## **Byelaws for New 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 Vehicles**

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)



### **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 shall 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 should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.
  - c. The external plate should 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 land owner, within the Borough of Wyre.
10. A Hackney Carriage vehicle shall not be left unattended for any period of time 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, for the purpose of ascertaining 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 should not have any major dents or similar damage to the bodywork.
  - e. All panels should be painted in a uniform colour.
  - f. All seats, including the drivers, should be fully intact, 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 that they meet the above standard.
  - g. All carpets and floor coverings should be complete and free from all major cuts, tears or obvious stains.
  - h. All interior trim, including headlining, should 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, shall 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 shall be provided and maintained in the vehicle at all times, a suitable fire extinguisher.
16. The vehicle must have at least 4 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 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 which were fitted and supplied to the specification of the manufacturer.
17. No CCTV system shall be installed in a vehicle without the prior written consent of the Council. Any system must comply with the Hackney Carriage and Private Hire Licensing Policy.
18. A proprietor shall, 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. The following specifications in respect of advertising on / in vehicles must be observed:
- (a) Saloon, Hatchback and MPV vehicles - The company name, telephone numbers and email address on a strip from the front to the rear of the vehicle and on the rear bodywork up to a maximum height of 125mm (5 inches).
  - (b) Company livery may also be extended around the rear boot lid or hatch and to include coloured graphics, text, icons for web sites and separate 'Chip & Pin' signage up to a maximum height of 125mm (5 inches).
  - (c) Minibus vehicles - The company name, telephone number, email address and the word "TAXI" on a strip from the front to rear of the vehicle and on the rear bodywork up to a maximum height of 250mm (10 inches)
  - (d) Company livery may also be extended around the rear double doors or hatch and to include coloured graphics, text, icons for web sites and separate 'Chip & Pin' signage up to a maximum height of 250mm (10 inches)
  - (e) All Hackney Carriage Vehicles - Company telephone numbers may be accompanied by appropriate phrases such as "Call Free" or "Freephone" up to a maximum height of 125mm (5 inches)
  - (f) The company insignia is allowed on the front passenger doors up to a maximum size of 375mm x 300mm (15 x 12 inches)
  - (g) All signage on hackney carriage vehicles must be professionally prepared and printed. Signage consisting of a homemade collage of individual letters and text, graphics or icons is not permitted.
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. A copy of these conditions along with the Hackney Carriage Byelaws will be kept in the licensed Hackney Carriage vehicle at all times and will be made available upon request to any passenger, authorised officer or police constable.

<b>Fleetwood ranks</b>		
<b>Location</b>	<b>number of taxis</b>	<b>24 hours or times if limited</b>
London Street-north side-near Ma Kellys pub	4	24 hours
London Street-south side-near Thomas Drummond pub	4	24 hours
Chatsworth Avenue-near to shops	4	24 hours
Kemp Street-near Dock Street junction	3	22.00 to 02.00
Victoria Street-opposite the library	2	24 hours
Manor Road-near to Esplanade junction	2	24 hours
Dock Street-outside the café	5	24 hours
Adelaide Street-by the HSBC bank	4	24 hours
Grange Road-off Westview roundabout	3	24 hours
Brook Street-near to shops, opposite the Cricket Club	3	24 hours
Darbishire Road-near pet shop	2	24 hours
Kemp Street-outside Peacocks shop	2	24 hours
Promenade Road-outside Mount pub	2	24 hours
Larkholme Parade-shopping centre	3	24 hours
Broomfield Road-near Lindel Road junction	2	24 hours
Lindel Road-near Broomfield Road junction	2	24 hours
Pharos Street-outside hospital	1	24 hours
Lord Street-near the Post Office	2	08.00 to 18.00
Harbour Lights-near amusements and shops	5	24 hours
Rossall Road-outside North Euston Hotel	4	24 hours
Styan Street-corner of Cop Lane, behind Asda	2	24 hours
Birch Street-near ex Bingo Hall	2	18.00 to 22.00

<b>Thornton Cleveleys ranks</b>		
<b>Location</b>	<b>number of taxis</b>	<b>24 hours or times if limited</b>
Slinger Road-near to Top Club and Derby Road car park	4	24 hours
North Drive-near to playpark and shops	2	24 hours
Leslie Avenue-near to Lawsons Road shops	1	24 hours
Oxenholme Avenue-The Sandpiper pub	2	24 hours
Victoria Road West-Jolly Tars pub	2	24 hours
Victoria Road West-The Tramway pub	1	24 hours
Beach Road-Travellers Rest pub	2	24 hours
Poachers Way-outside the Bourne Poacher	2	24 hours
Victoria Road West-The Regal hotel	3	24 hours
Princess Street-B and M	3	24 hours
Cleveleys Avenue-outside Kwik Fit	2	24 hours
Nutter Road-outside Wilkinson	5	24 hours
Victoria Road West-opposite Argos	2	24 hours
Church Road-Doctor's surgery	4	24 hours
Rosendale Avenue South-near the Ashley Club	1	24 hours
<b>Poulton le Fylde ranks</b>		
<b>Location</b>	<b>number of taxis</b>	<b>24 hours or times if limited</b>
Breck Road-railway station	4	24 hours
Ball Street-Doodles takeaway	2	24 hours
Ball Street-opposite Thatched House pub	6	18.00 to 06.00
Wheatsheaf Way-entrance to Hardhorn car park near The Elk pub	3	10.00 to 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, shall 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 shall 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 shall 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 shall at all reasonable times, permit an authorised officer or police constable to inspect the vehicle or any taximeter affixed to it, for the purpose of ascertaining 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 should not have any major dents or similar damage to the bodywork.
  - V. All panels should be painted in a uniform colour.
  - VI. All seats, including the drivers, should be fully intact, 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 that 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, shall 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 4 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 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 which were fitted and supplied to the specification of the manufacturer.
15. No CCTV system shall be installed in a vehicle, without the prior written consent of the Council. Any system 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. Notwithstanding the requirements of condition 4, advertising is not permitted on a private hire vehicles unless it relates specifically to the Private Hire Operator.
18. Where advertising is displayed it must be in accordance with the following specifications:-
  - a) Advertising panels may be displayed on both the off side and near side rear quarters of the vehicle and one suitable position on the rear bodywork of the vehicle'

- b) The panel size may be a maximum of 50cm in length and 15cm deep, and may include colour, graphics, text, icons for websites and credit and debit card signage.
  - c) The company name and telephone number may be displayed up to a maximum height of 65mm in either:-
    - I. the rear view window of a saloon, hatchback or estate
    - II. the rear view window, or split windows, of a minibus
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 a Private Hire Company operates a mixed fleet of Hackney Carriage and Private Hire Vehicles, or where an exemption from this requirement has been issued by the Council, the words PRIVATE HIRE must be at least twice the height of the word TAXI on all advertising.
  21. All signage on private hire vehicles must be professionally prepared and printed. Signage consisting of a homemade collage of individual letters, text, graphics or icons is not permitted.
  22. 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.
  23. Luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.
  24. 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 (a) 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.
25. A copy of these conditions will be kept in the licensed private hire vehicle at all times and will be made available upon request to any passenger, authorised officer or police constable.



### **Standard Conditions for Stretched Limousines**

1. Licensed limousines shall at all times comply with the requirements of Road Traffic legislation.
2. Stretched limousines shall comply with the existing conditions of a Private Hire Vehicle Licence in so far 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 shall:-
  - (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 shall:-
  - (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 licences which identify the vehicle as a private hire vehicle, on which will be the registration number of the vehicle and the number of passengers permitted to be carried.
8. The proprietor shall 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) as to be visible to persons conveyed therein;

- (ii) No Private Hire Limousine Vehicle Disc shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle discs shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs and 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:-
- Certificate of Compliance test certificate.
  - 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 shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.
12. If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Office shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.



### 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 two years following the date of the last entry.
2. Before the commencement of each private hire journey, the following details shall be recorded:-
  - a) The date and time of each booking.
  - b) The name and address of the person making the booking.
  - c) The licence number of the vehicle despatched to fulfil the booking.
  - d) The licence number of the driver despatched to fulfil the booking.
  - e) The date, time and place of departure of the person(s) to be carried.
  - f) The identity of the person making the above mentioned entries in record.
  - g) Any fare quoted for the journey.
  - h) Where the booking is sub-contracted from another operator, the name of that operator.
  - i) Where the booking is to be sub-contracted to 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 of 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 Licence holder must hold a valid licence issued by Wyre Council.
7. The Operator must notify the Licensing Unit as soon as they become aware, of any driver used or employed by them who has:-
  - i Any new conviction or finding of guilt in a civil, criminal or driving matter;
  - ii Any new caution issued by the Police or any other agency;
  - iii Any new issue of a Magistrate's Court summons against them;
  - iv Any new issue of a fixed penalty notice for any matter;
  - v Any new harassment or other form of warning, or order, within criminal law including Anti-Social Behaviour Orders or similar;
  - vi Any new arrest for any offence (whether or not subsequently charged)
  - vii Or of any change of address during the currency of the driver's licence.
8. The Operator must maintain a register of complaints by the public which include:
  - Date and time complaint made

- Name and contact details of the complainant
  - Nature of complaint
  - Full details of journey involved (including date/time/name of customer)
  - Driver/vehicle involved
9. Where a complaint or allegation is:
- Of sexual misconduct, sexual harassment or inappropriate sexual attention
  - Racist behaviour
  - Violence
  - Dishonesty
- The operator must advise the Council immediately they are made aware of such a complaint or allegation.
10. The operator shall not cause or procure any other person to:-
- a) Wait with a Private Hire Vehicle at any public place other than in connection with a pre-arranged booking.
  - b) Tout or solicit on a road or other public place any person to hire or be carried for hire in a Private Hire Vehicle.
- 'Road' means any highway and any other road to which the public has access including bridges over which a road passes.
- 'Public place' includes car parks attached to public houses, clubs, night clubs, restaurants and any other places of entertainment.
11. The Operator shall 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, for the purpose of making a booking or awaiting the arrival of a licensed vehicle, subsequent to any booking, they 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 should 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, shall within 14 days, give notice in writing 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, would 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. 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.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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