



Licensing Committee Agenda

Wyre Borough Council
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**Licensing Committee meeting on Thursday, 22 March 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 - 12)

To confirm as a correct record the minutes of the meeting of the Licensing Committee held on 22 February 2018

4. The Taxi Licence & Enforcement Policy Review

(Pages 13 - 76)

Report of the Service Director Health and Wellbeing.

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Licensing Committee Minutes

The minutes of the Licensing Committee meeting of Wyre Borough Council held on Thursday, 22 February 2018 at the Civic Centre, Poulton-le-Fylde.

Licensing Committee members present:

Councillors Marge Anderton, Colette Birch, Simon Bridge, Sue Catterall, Terry Lees, Sue Pimbley, Christine Smith, Ann Turner, Lynn Walmsley and Val Wilson

Councillor Pimbley left the meeting at the conclusion of Item 5 (New applicant for a Wyre Dual driver licence with a spent criminal conviction) and did not return to the meeting.

Apologies:

Councillor(s) Julie Robinson, Brian Stephenson and Matthew Vincent

Officers present:

Niky Barrett, Licensing Manager
Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer
Carole Leary, Democratic Services Officer

Non-members present:

D Parry, Taxi Licensing Officer for Item 5 only.
N Greenwood, Head of Environmental Health & Community Safety for Item 6 only.
Cllr Henderson for Item 6 only.

Members of the public present:

Applicant for Item 5 only.

Mr Huckerby (Applicant), Mrs Adkinson (Applicant) accompanied by Mr Barr and represented by Mr Woosnam for Item 6 only.

One Member of the Public (Mrs Loftus) and a Breck Ward Councillor (Councillor Henderson) were present for Item 6 only.

No Members of the Press were present.

46 Declarations of Interest

Councillor Bridge declared an “Other Significant Interest” on Item 06 – Application to vary a Premises Licence – Truth Bar, Poulton-le-Fylde, in that he lives two doors down from the Applicant Mr Huckerby. He spoke with the local resident and with Councillor Henderson and then with Mr Woosnam (the Solicitor on behalf of the Applicant. He did not consider that this interest gave rise to a perception of a conflict of interest or was likely to prejudice his judgment. The parties present at the meeting raised no objection and he therefore he stayed in the meeting and spoke and voted upon the item.

Councillor Pimbley declared an “Other Significant Interest” on Item 06 - Application to vary a Premises Licence – Truth Bar, Poulton-le-Fylde, in that she knew Mrs Loftus as her daughter had worked for Councillor Pimbley. After advice from the Senior Solicitor it was agreed that it may be perceived as a conflict of interest and therefore she left the room before the item was being discussed and had no involvement in the decision making.

47 Confirmation of minutes

The minutes of the Licensing Committee meeting held on Thursday 25 January 2018, were confirmed as a correct record.

48 Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting whilst agenda item 5 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 outweighed the public interest in disclosing the information.

49 New applicant for a Wyre dual driver licence with a spent criminal conviction

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 Applicant was present at the meeting, but he was not legally represented.

The Licensing Manager introduced the report.

The applicant spoke to the Committee, explaining the circumstances of his spent conviction, as referred to in the report with regard to his past conduct.

Members and the Licensing Manager asked questions of the applicant, and he provided explanations of the incidents then and up to the present date.

The applicant, the Taxi Licensing Officer and the Licensing Manager then left the room whilst the Committee Members considered the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision to everyone.

RESOLVED that the applicant be granted a one year Wyre dual driver's licence and the added condition of the 3 month rule.

The Members also resolved that any renewal of the applicant's licence after twelve months, should be brought back before Members for further consideration.

The reasons for the decision were:

The Committee were satisfied that the applicant was a fit and proper person to hold a dual driver's licence after considering his explanation of the offence and other matters referred to in the report. It was explained to the applicant how seriously Wyre Council take background checks, together with the duty of the Council to protect the travelling public and Wyre Councils requirement to assure the public that all drivers of Wyre licensed vehicles are checked and scrutinised to an appropriately high standard. He was also informed that his progress would be monitored throughout the year and if he committed any further offences or missed any of the 3 month rule conditions that he would be brought back before Licensing Committee for consideration.

50 Application to vary a Premises Licence - Truth Bar, Poulton-le-Fylde

The Service Director Health and Wellbeing submitted a report to assist members of the Licensing Committee to determine an application to vary a premises licence PL(A)0260, in respect of Truth Bar, 33 Market Place, Poulton-le-Fylde, FY6 7BS.

A document showing that the applicant had employed a sound engineer to reset the noise limiter, which had been received after the agenda had been published, was handed out to the Committee and the two members of the public present.

Mrs Adkinson and Mr Huckerby were both present at the meeting and they were legally represented by Mr Woosnam and supported by Mr Barr.

Mr Woosnam spoke to the committee, explaining the circumstances of his client's recent application for the variation of the Premises Licence for their business; Truth Bar. He advised the committee that the application sought to extend the permitted hours for the sale of alcohol on Friday and Saturday nights, Bank Holiday Sundays, Christmas Eve, Boxing Day and New Year's Eve, until 02.30 hrs. Also to extend the hours for live and recorded music to 02.45 on those days and to remain open to the public until 03.00 hrs.

Members asked various questions of Mr Woosnam, which he answered.

The one local resident and a Breck Ward Councillor spoke to the committee about their objections to the application due to noise, anti-social behaviour and litter.

Members asked questions of both the local resident and the Breck Ward Councillor.

Mr Woosnam asked questions of Mrs Loftus.

Members retired to consider the application in closed session. The Licensing Committee then reconvened and the Chairman announced the Committee's decision.

RESOLVED that

The Committee decided to vary the premises licence for the licensable activities applied for, subject to the additional conditions agreed with the Police Licensing Officer and the Environmental Health Officer which were outlined within the report.

Reasons for the Decision

- The Committee considered the written representations from local residents and listened to Cllr's Henderson's submissions concerning the potential for noise nuisance in the local area. The Committee noted that the company had held ten Temporary Event Notices (TENS) since May 2017 for the same hours being applied for and there had been one objection from a local resident regarding levels of noise from the premises on 18th November 2017. Mr Woosnam explained that the premises had resolved the issue within minutes by reducing the volume at the premises and resetting the noise limiter to lower levels. The Committee noted that Mrs Loftus, although a local resident had not experienced any issue with noise from the premises. The Committee heard from Mr Woosnam that there was no other evidence to suggest that the premises had caused a nuisance or disturbance during its operating hours or when operating the TENS. The Committee noted that the Council's Environmental Health Officer had not objected to the application and had recommended a number of conditions be added to the licence which had been accepted by the Applicant. The Committee were satisfied that these conditions were sufficient to address the potential for public nuisance arising from the extended opening hours.
- The Committee also considered Councillor Henderson's concerns about the concentration of late night premises in Poulton, the lack of police in the area at 3am and the potential for crime and disorder/public nuisance. However, it was noted that the police had not objected to the application and had agreed a change to the premises' conditions which had been accepted by the Applicant. Although it was accepted that Poulton did have a concentration of mainly on- licensed premises, that as there is no Cumulative Impact Policy for Poulton, there is no presumption against the grant of a new licence. The Committee were satisfied that there was little

or no evidence provided that the extension of hours would contribute to disorder or nuisance in the area and were satisfied that the additional conditions would minimise the impact on the area.

- The Committee were satisfied that the premises had been subject to considerable soundproofing and considered that the Applicant was acting in a reasonable and responsible manner and was willing to work with local residents to resolve any issues.
- After listening to Mrs Loftus's concerns about litter, the Committee were satisfied that the condition relating to litter would address this issue and noted that the Applicant was prepared to operate a more extensive litter sweep than currently undertaken.
- The Committee were satisfied that the variation of the premises licence subject to the conditions was appropriate to prevent the premises contributing to disorder/nuisance in the area and would not undermine the Licensing Objectives. However, the Committee did advise Mrs Loftus that if any resident had issues in the future regarding disorder or nuisance from the premises, then they can ask the council to review the premises licence.

Licensing Conditions both existing and to be added to the Premises Licence:

1. The maximum number of persons to be accommodated in the first floor of the premises at any one time shall be 100.
2. Seating shall be provided for a minimum of 60% of the maximum floor area on the ground floor of the premises and set out in such a way that it does not become a vertical drinking establishment.
3. At least one personal licence holder will be available on the Premises after 21:00 while the supply or sale of alcohol is being undertaken (whose identity is known to all other members of staff engaged in the supply or sale of alcohol) except in the case of emergency.
4. Another member of staff shall be nominated to act for the DPS in their absence whose identity is known to all staff when such absence occurs.
5. An authorisation signed and dated by the DPS shall be kept at the premises showing all persons authorised to make sales of alcohol at the premises.
6. Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.

7. A drugs prevention strategy for the venue will be developed and applied. The strategy will include arrangements for the location of posters and the distribution of other information relating to drug risks, the dangers associated with drugs and the legal provisions relating to drug use.
8. Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.
9. Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that: A) It is a condition of entry that customers agree to be searched and B) Police will be informed if anyone is found in possession of controlled substances or weapons.
10. Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
11. Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
12. Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.
13. Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.
14. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in and around the premises.
15. All drinking vessels used at the premises will be made of toughened glass.
16. An incident book will be maintained in which will be recorded:
 - All incidents of crime and disorder.
 - Refused sales to suspected underage and drunken persons.
 - Any persons asked to leave or who are removed from the premises.
 - Details of occasions on which the Police are called to the premises.
 - Occasions on which persons are searched on suspicion that drugs are being carried and the reason for such suspicion.

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

17. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 4 months. Records to evidence this will be made available to an authorised officer on request.
18. Any person within the premises who appears to be intoxicated and who is behaving in a disorderly manner will be asked to conduct themselves

correctly and if they refuse will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.

19. The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with.
20. No entertainment of an adult or sexual nature will take place on the premises.
21. The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.
22. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - i. UK photo driving licence
 - ii. Passport
 - iii. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
23. If no suitable identification is provided the sale of alcohol will be refused.
24. All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 4 months. Records to evidence this will be made available to officers on request.
25. Suitable signage will be displayed to show that the Challenge 25 policy is operated.
26. CCTV will be installed internally and externally at the premises and will comply with the following: -
 - Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
 - The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system.
 - The system will incorporate a camera covering the main entrance doors to the premises.
 - Each camera will be capable of providing an image which is regarded as identification standard in all lighting conditions.
 - The system will display on any recording the correct time and date of the recording.
 - The system will make recordings during all hours that the premises are open to the public.
 - Digital recordings will be held for a minimum of 28 days after the recording is made and will be made available to the police or any

- authorised persons acting for a responsible authority for inspection upon request.
- The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
27. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay, when requested.
 28. The Licence Holder or Designated Premises Supervisor will notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
 29. Bi-annual documented maintenance checks of the CCTV system, including the recording system, will be carried out by a suitably qualified CCTV engineer to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.
 30. No customers shall be admitted to the premises 1 hour prior to the end of licensable activities. For the avoidance of doubt this condition shall not apply to those customers who were on the premises prior to the stated times and who exited the premises for the purpose of smoking.
 31. 2 SIA door staff will be on duty from 20:00 hours each Friday and Saturday night, Sunday before a bank holiday, Christmas Eve, Boxing Day and New Year's Eve together with an additional door staff after 22:00 for the first 100 customers and a further one for every further 100 or part thereof. At all other times the licence holder will determine an appropriate number of door staff having regard to a risk assessment maintained by the licence holder and which must be available for inspection if required.
 32. A signing in sheet will be completed by each member of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name, signature and date of birth. A quantity of blank incident report forms will be kept with this file. All records will be available for inspection on request of a police officer or authorised officer.
 33. A queuing system will be implemented at the main point of entry to assist in the monitoring of customers.
 34. An appropriate device will be utilised by door staff to keep an accurate record of the capacity levels in the Premises to include a separate capacity level of 100 for the first floor bar.
 35. A dispersal policy which is agreed by the Police is to be implemented at all times.

36. Door staff will remain outside the premises until at least 10 minutes after the last customer has left the premises in order to prevent disorder and nuisance.
37. The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and avoid causing noise, nuisance or disturbance in the area.
38. The Licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours.
39. The Licence Holder shall ensure that staff arriving before 09:00 or leaving late at night when the premises have ceased trading conduct themselves in such a manner as to avoid disturbance to local residents and neighbours.
40. Persons under the age of 18 shall only be admitted onto the premises if accompanied by an adult. Except for pre-arranged private functions and ticketed events children under the age of 18 shall vacate the premises by 19:00 unless partaking in a meal.
41. Functions which specifically target young people aged 17-18 (for example birthday parties) will not be allowed to take place on the premises.
42. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
43. No drink shall be removed from the premises in an unsealed container.
44. A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers, except in the case of an emergency.
45. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.
46. The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.
47. The Licence Holder shall ensure that noise or vibration shall not emanate from the premises such as to cause disturbance to persons in the neighbourhood.

48. The volume of amplified sound shall not exceed background noise level when measured at the nearest sensitive residential receptor.
49. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
50. The noise level from the premises whilst being used for public entertainments purposes shall not exceed the background noise level measured over a 5 minute LEQ measured at the nearest residential properties.
51. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
52. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).
53. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
54. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
55. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
56. All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with non-slip even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.
57. All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.

58. All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.
59. The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises
60. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
61. The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.
62. In no circumstances shall any person be allowed to: -
 - (i) sit in any gangway;
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landing.

The meeting started at 6.07 pm and finished at 8.00 pm.

Date of Publication: Tuesday 6 March 2018

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Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	22 March 2018	4

Taxi Licensing and Enforcement Policy Review

1. Purpose of report

1.1 To submit the draft Hackney Carriage and Private Hire Licensing Policy as amended following the public consultation, to members for approval, in accordance with Minute LIC.43 of the 25 January 2018 (**Appendix A**).

2. Outcomes

2.1 Approval and adoption of the revised Hackney Carriage and Private Hire Licensing Policy effective from 1 April 2018.

3. Recommendations

3.1 That Members approve the revised Hackney Carriage and Private Hire Licensing Policy and adopt the same with effect from 1 April 2018.

4. Background

4.1 In accordance with the decision of the Committee in January, the revised policy has been the subject of a six week consultation with the trade and members of the public.

4.2 The proposed policy has been available to download from the council's website since that meeting and invites comments on the proposals to be made to the Licensing Team.

4.3 A letter was sent to the trade; elected Members; each of the Town and Parish Councils in the Borough and a number of residents groups as part of the consultation process (**Appendix B**).

4.4 A Taxi Forum meeting was convened in February with the trade, when the draft policy was discussed in some detail.

5. Key issues and proposals

5.1 The Senior Licensing Officer and the Chairman met to consider the outcome of the consultation and have amended the draft policy, in light of these responses. The amendments are all highlighted for ease of reference.

5.2 A summary of the responses received during the consultation can be found at **Appendix C**.

Financial and legal implications	
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.

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

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

report author	telephone no.	email	date
Niky Barrett	01253 887236	Nicola.Barrett@wyre.gov.uk	12 March 2018

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

List of appendices

Appendix A - Draft Hackney Carriage and Private Hire Licensing Policy (V04)

Appendix B - Letter to consultees

Appendix C - Summary of consultation outcome

Hackney Carriage and Private Hire Licensing Policy



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Appendix 3	Driver Code of Conduct
Appendix 4	Hackney Carriage By-Laws
Appendix 5	Hackney Carriage Vehicle Conditions
Appendix 6	Hackney Carriage Ranks
Appendix 7	Private Hire Vehicle Conditions
Appendix 8	Limousine Conditions
Appendix 9	Private Hire Operator Conditions

INTRODUCTION

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

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

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

1. OBJECTIVES

- 1.1 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
 - **National Anti-Fraud Network**
 - Driver and Vehicle Standards Agency (formally VOSA)
 - HM Revenue and Customs
 - UK Border Agency
 - Department of Work and Pensions
 - Lancashire County Council

- The 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
- **General Data Protection Regulations 2018**
- Health Act 2006
- Health & Safety at Work etc. Act 1974
- Human Rights Act 1998
- Immigration Act 2016
- Legislative and Regulatory Reform Act 2006
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Measuring Instruments Regulations 2017
- Police & Criminal Evidence Act 1984
- Policing and Crime Act 2017
- Regulation of Investigatory Powers Act 2000
- Rehabilitation of Offenders Act 1974
- Road 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 will not issue a licence to any applicant, unless it is satisfied that they are a fit and proper person to hold such a licence. There is no statutory definition of what constitutes fit and proper, but 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

The Council will ordinarily consider applications from persons aged 21 and over. The Council does not currently have a maximum age for drivers it will licence and in all cases, 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 to 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, without prior notification, 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 Individual 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 Council's Contact Centre.
- 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 sideways facing seats or seats which require more than 1 other passenger to move 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 Any space within a vehicle designed to carry luggage or similar, must not be used to transport babies/children in prams/pushchairs.

4.10.7 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 alike of having CCTV in licensed vehicles and encourages the installation of such systems, but is also mindful that there are data protection concerns arising from the use of such surveillance.

4.12.2 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 2nd 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 process

- 4.15.1 All Hackney Carriage Licenses 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 Individual 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 Council's Contact Centre.
- 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 more than 1 other passenger 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 Any space within a vehicle designed to carry luggage or similar, must not be used to transport babies/children in prams/pushchairs.

5.9.6 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 alike of having CCTV in licensed vehicles and encourages the installation of such systems, but is also mindful that there are data protection concerns arising from the use of such surveillance.

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 should 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 process

5.13.1 All Private Hire Vehicle Licenses 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 Individual Vehicle Approval Certificate

(ii) A European Whole Vehicle Approval Certificate

(iii) UK Low Volume Type Approval Certificate

(iv) Limousine Declaration of Condition of Use

- 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 process

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 satisfy the Licensing Authority that they have the right to occupy premises within the Borough in order to offer private hire services and produce original evidence of:-

- Valid, appropriate insurance policy(s)

- Basic Disclosure Certificate issued no more than 1 month prior to the application. This requirement will not apply to any applicant who also holds a Wyre Dual Driver's Licence
- Proof of the operating address, within the Borough
- 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 at licensing@wyre.gov.uk or by telephone on 01253 887225/887406. All complaints received will be recorded against the licence holder, but anonymous complaints would not normally be investigated further, unless there is independent evidence to corroborate the allegations.

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**

DRAFT

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 and be satisfied with a Certificate of Good Conduct from the country/countries covering the relevant period, before a licence application can be considered.

4. Powers

4.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew a licence if the licence holder has been convicted of an offence involving dishonesty, indecency, violence; failed to comply with the provisions of the Town Police Clauses Act 1847; failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; been convicted of an immigration offence or required to pay an immigration penalty; or for any other reasonable cause.

4.2 Section 62 of the Local Government Miscellaneous Provisions Act 1976 permits the Licensing Authority to suspend, revoke or refuse to renew an Operator's Licence if the licence holder has failed to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; if their conduct appears to the Licensing Authority to render them unfit to hold an Operator's Licence; other than those circumstances where the conviction is spent within the meaning Rehabilitation of Offenders Act 1974, has been convicted of an immigration offence or required to pay an immigration penalty; or any other reasonable cause.

4.3 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant for a driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending, or a recent pattern of repeat offending.

5. Appeals

5.1 Any applicant refused a 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, including Restraining Orders, Child Abduction Warning Notices or similar; or any arrest for any offence, whether or not subsequently charged.
- 6.3 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a dual driver's licence. The Licensing Authority follows the relevant Code of Practice on the secure storage, handling, use, retention and disposal of disclosure information.
- 6.4 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure, via the Council's nominated service provider the GB Group, at their own expense.
- 6.5 So that the Licensing Authority receives relevant information as quickly as possible, in order to take appropriate and proportionate action to protect public safety, it is Wyre Council's policy to require applicants to register for the DBS's update service and to nominate the Licensing Authority to 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. If this report indicates that the applicant is alcohol dependant, a period of 5 years should elapse after treatment is completed before a further application would be considered

- 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 Town Police Clauses Act 1847 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 for 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. Other Motoring Offences

- 16.1 Traffic offences, including speeding, will give rise to concerns about the applicant's suitability to be a driving professional. A single offence would not normally prohibit the grant of a licence, or result in action taken against an existing licence.
- 16.2 An applicant with 2 or more current endorsements will normally be required to show a period of at least 2 years free of traffic offences, before they could be considered for a licence.

16.3 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.

16.4 Existing drivers who accumulate more than 2 current endorsements, will be referred to the Licensing Committee, who will consider whether or not the licence holder's conduct while in control of a vehicle, demonstrates that they are failing to take their professional responsibilities seriously and are therefore no longer a fit and proper person to hold a Wyre dual driver's licence.

17. Outstanding charges or summonses

17.1 If the applicant is the subject of an outstanding charge or summons involving a serious offence their application will be considered on a case by case basis, having regard to this policy.

18. Non-conviction information

18.1 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.

18.2 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.

18.3 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.

18.4 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, serious consideration will be given to refusing the application.

18.5 In assessing the appropriate course of action to take, the safety of the travelling public must be the paramount concern.

19. Once a licence has been granted

19.1 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.

19.2 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.

19.3 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.

20. Licences issued by other licensing authorities

20.1 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.

21. Summary

21.1 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 offence committed, before an application can be considered.

21.2 If there is any doubt as to the suitability of an individual to be licensed, the Licensing Committee must be mindful of the overriding duty to protect the public and caution should be exercised.

21.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give more cause for concern than an isolated conviction. 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 Jan 18

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

CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3-6	4 Offence
Dangerous Driving			
DD10	Causing serious injury by dangerous driving	3-11	4 Conviction
DD40	Dangerous Driving	3-11	4 Conviction
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11	4 Conviction
DD80	Causing death by dangerous driving	3-11	4 Conviction
DD90	Furious Driving	3-9	4 Conviction
Alcohol			
DR10	Driving or attempting to drive with alcohol level above limit	3-11	11 Conviction
DR20	Driving or attempting to drive while unfit through drink	3-11	11 Conviction
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11	11 Conviction
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11	11 Conviction
DR40	In charge of a vehicle while alcohol level above limit	10	4 Offence #
DR50	In charge of vehicle while unfit through drink	10	4 Offence #
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10	4 Offence #
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive.	10	11 Conviction
DR70	Failing to provide specimen for breath test	4	4 Offence #
Drugs			
DG10	Driving or attempting to drive with drug level above the specified limit	3-11	11 Conviction
DG40	In charge of a vehicle while drug level above specified limit	10	4 Offence #
DG60	Causing death by careless driving with drug level above the limit	3-11	11 Conviction
DR80	Driving or attempting to drive when unfit through drugs	3-11	11 Conviction
DR90	In charge of a vehicle when unfit through drugs	10	4 Offence #
Insurance Offences			
IN10	Using a vehicle uninsured against third party risks	6-8	4 Offence
Licence Offences			
LC20	Driving otherwise than in accordance with the licence	3-6	4 Offence
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6	4 Offence
LC40	Driving a vehicle having failed to notify a disability	3-6	4 Offence
LC50	Driving after a licence has been revoked or refused on medical ground	3-6	4 Offence
Miscellaneous Offences			
MS10	Leaving a vehicle in a dangerous position	3	4 Offence
MS20	Unlawful pillion riding	3	4 Offence

MS30	Play street offences	2	4 Offence
MS50	Motor racing on the highway	3-11	4 Offence
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3	4 Offence
MS70	Driving with uncorrected defective eyesight	3	4 Offence
MS80	Refusing to submit to an eyesight test	3	4 Offence
MS90	Failure to give information as to identity of driver etc.	6	4 Offence
Motorway Offences			
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3	4 Offence
Pedestrian Crossings			
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3	4 Offence
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3	4 Offence
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3	4 Offence
Speed Limits			
SP10	Exceeding goods vehicle speed limits	3-6	4 Offence
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6	4 Offence
SP30	Exceeding statutory speed limit on a public road	3-6	4 Offence
SP40	Exceeding passenger vehicle speed limit	3-6	4 Offence
SP50	Exceeding speed limit on a motorway	3-6	4 Offence
Traffic Directions And Signs			
TS10	Failing to comply with traffic light signals	3	4 Offence
TS20	Failing to comply with double white lines	3	4 Offence
TS30	Failing to comply with 'Stop' sign	3	4 Offence
TS40	Failing to comply with direction of a constable/warden	3	4 Offence
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3	4 Offence
TS60	Failing to comply with a school crossing patrol sign	3	4 Offence
TS70	Undefined failure to comply with a traffic direction sign	3	4 Offence
Special Code			
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified		4 Conviction
Theft or Unauthorised Taking			
UT50	Aggravated taking of a vehicle	3-11	4 Offence

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

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

Causing or permitting - Offences as coded, but with 0 changed to 4.

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

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

24. A copy of these conditions along with the Hackney Carriage Byelaws 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.

Fleetwood ranks		
Location	number of taxis	24 hours or times if limited
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

Thornton Cleveleys ranks		
Location	number of taxis	24 hours or times if limited
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
Poulton le Fyde ranks		
Location	number of taxis	24 hours or times if limited
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. Any space within the vehicle designed to carry luggage or similar, must not be used to transport babies/children in pushchairs/prams.
 26. 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.

Ask for: Niky Barrett
Email: Licensing@wyre.gov.uk
Tel No: 01253 887236
Our Ref: TLP/Consult

Date 29th January 2018

Dear Sir/Madam

Hackney Carriage and Private Hire Licensing Policy

Wyre Council is currently consulting with stakeholders on a revised taxi licensing policy. Appended to the main policy is a revised statement of policy on convictions and other relevant matters, along with the standard conditions that will be attached to driver, vehicle and operator licences, after the policy is adopted.

You can download a copy of the draft policy from the Council's website at www.wyre.gov.uk/taxi

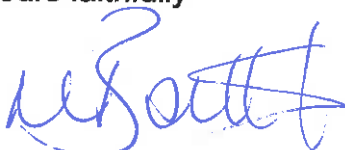
The consultation closes on Sunday 11th March 2018, when the outcome of the consultation will be considered and reported to Licensing Committee when it meets on Thursday 29th March 2018.

If you have any comments about the new proposals, please forward them to the Licensing Unit by no later than the 11th March, so that they may be considered when the policy is being finalised.

You can email any comments to licensing@wyre.gov.uk or if you would prefer you may send them to:

Licensing Unit
Civic Centre
Breck Road
Poulton le Fylde
FY6 7PU

Yours faithfully



N Barrett
Senior Licensing Officer

Taxi Policy - Summary of consultation responses

Page	Para	Details	Comments from	Amend	If No, reasons why not	Other info
4	Line 1	Type	TLO	Yes		
4	1.6	Add National Anti-Fraud Network	SLO	Yes		The Council now subscribes NAFN in order to access the National Database of refused/revoked driver and operator licences
5	2.1	Include General Data Protection Regulations	GLC	Yes		
6	3.3	Min age should be 21 as per current position	Chair	Yes		
7	3.9.4	Strong objection to the reduction of the grace period from 6 months to 1 month.	Taxi forum	Yes	Amend the wording to replace "for whatever reason" to "without prior notification"	The trades objections were based on experience with 1 year licences when people leave the trade then decide they want to return. It is not envisaged that this will be as much of an issue on 3 year badges.
10 + 14	4.7.3 + 5.6.3	Payment to contact centre, not garage	TO	Yes		
11 + 14	4.10.4 + 5.9.2	Objection to not licensing seats which require other seats to be moved to permit access	Taxi forum	Yes	Amend "in seats which require other passengers to move" to "in seats which require more than 1 other passenger to move to permit access or egress".	Sections 4.10.6 and 5.9.5 already makes provision for vehicles falling outside the specification to be considered by GLC
11 + 15 App 5 + 7	NEW 4.10.6 + 5.9.5	Specify condition that babies/children may not be carried in pushchairs/prams in any luggage compartment.	Taxi forum	Yes		Add new condition to PHV and HCV licences
11 + 15	4.12.4 + 5.11.5	Discussion about CCTV audio recording condition implication	Taxi Forum	No	Trade advised that audio recording should not be the default setting but could be used for journeys where driver's safety could be compromised	
18	7.3.2	Add 'proof of the operators Wyre address'	TLO	Yes		In response to operational issues that have arisen since the policy was drafted.
App 1	NEW 5.16	There is no reference to 'other' motoring offences in the convictions policy	Legal MG	Yes		Convictions Policy amended to include guidance on 'other' motoring offences.

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