

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 30th June, 2016
at 2.00 p.m. (Drawing Room)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Declarations of Interest.

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the 12th May, 2016 and to note the Minutes of the Licensing Sub-Committee held on 16th May, 2016 (copies attached).

FOR DECISION

- (D) 7. Application for a Street Collection: Royal British Legion, Poppy Appeal 2016.

- (D) 8. Draft Policy on the Fitness of Hackney Carriage and Private Hire Drivers.

PART TWO

- (D) 9. Application for a New Hackney Carriage Vehicle Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 10. Application for a New Hackney Carriage Vehicle Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

**NOTE (D) - Delegated
(R) - For Referral to Council**

Membership of Committee

Councillors Callister (Chairman)
Seward (Vice-Chairman)
Biggins
Cassells
Derbyshire
Gill
Heath
W. McClure
Maddox
Proffitt
Wall
One Vacancy

For queries regarding this agenda, please contact:

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Published: 22nd June, 2016

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 12th May, 2016
at 2.07 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Cassells, Derbyshire, Gill, Maddox, Proffitt and Wall.

Officers Present:- Anne Pearson (Environmental Health Manager), Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Richard Garnett (Principal Environmental Health Officer), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer).

Legal Representative:- Paul O'Donnell (Local Authority Retained Solicitor)

Police Representative:- PC Caroline Kendall

1 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute Nos. 7 and 8) of Part One of Schedule 12A of the said Act.

2 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Heath and Opie.

3 – Minutes

The Minutes of the special meetings held on 23rd/24th February and 2nd March, 2016 and the meeting held on 10th March, 2016 were taken as read and confirmed.

4 – Appointments on Outside Panels, Working Groups etc.

The Executive Director reported that at the Annual Council meeting on 10th May, 2016 the allocation of seats in respect of Forums, Panels, Working Groups etc. were agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Regulatory Committee this involved the appointment of Members the Taxi/Private Hire Liaison Group and the Taxi Licensing Working Party.

In accordance with proportionality rules, the notional seat allocations for 2016/2017 were as follows:-

Taxi/Private Hire Liaison Group – Three Seats (2 Labour: 1 Conservative)

Taxi Licensing Working Party – Four Seats (3 Labour: 1 Conservative)

The Executive Director requested nominations to the above Groups.

RESOLVED:- To agree the appointments to the Taxi/Private Hire Liaison Group and Taxi Licensing Working Party as follows:-

(i) Taxi/Private Hire Liaison Group (2:1) – Councillors Maddox, W. McClure and Seward.

(ii) Taxi Licensing Working Party (3:1) – Councillors Derbyshire, Gill, Proffitt and Seward.

5 – Setting of a Maintenance Fee for South Lakes Safari Zoo Ltd – 2016/17

The Principal Environmental Health Officer reported that Barrow Borough Council was responsible for administering a range of licences, permits and registrations resulting from both national legislation and discretionary functions that allowed the Council to set fees locally. Locally set fees were an important means of ensuring that costs could be recovered by Councils, rather than relying on local tax payers subsidising licence holders.

The Licensing Regulatory Committee had delegated authority to set the Council's licensing fees and the report outlined a proposal to set the annual Maintenance Fee for the year 2016/17 for South Lakes Safari Zoo Ltd in line with the Zoo Recharging Policy adopted by Council on 19th January, 2016. In considering setting this fee, Members were requested to take account of comments made by South Lakes Safari Zoo Ltd following a consultation exercise on the proposed fee. Both the Policy and the Zoo's comments were outlined in the report and attached as Appendices.

Members noted that the fee was based on full cost recovery of the Council's reasonable costs.

The Zoo Recharging Policy stated that the Owner of a Zoo would be charged

- A) An application fee which was payable when an application was lodged with the Council. This would be the administrative costs of processing an application for an initial licence, renewal, and the alteration or transfer of a licence; and
- B) A Maintenance Fee which would become payable before the grant of the licence and would then be charged annually on the anniversary of the grant. The Maintenance Fee would be kept under review and set annually based on the work undertaken by the Council in the previous year. This fee would be specific to each individual Zoo licensed by the Council.

The Maintenance Fee would include the following costs:-

- Third party costs not limited to
 1. seeking expert veterinary advice; and
 2. obtaining legal guidance
- Liaison with interested parties
- Liaison with Central Government
- Management costs
- Local democracy costs – Committee hearings
- On costs
- Advice and guidance
- Training of Staff and Members

The calculated maintenance fee based on figures from the year 2014/15 was £11,487.34.

The calculated maintenance fee with all relevant costs were reproduced in the report. The maintenance fee was subject to a 14 day consultation period. An advert was placed in the North West Evening Mail and full consultation details were made available on the Council's website.

South Lakes Safari Zoo Ltd provided the only comment on the calculated maintenance fee as follows:-

"Making the zoo pay for the cost of legal advice relating to issues with the zoo is outwith the permitted framework."

The full consultation response from South Lakes Safari Zoo Ltd on the Zoo Recharging Policy and the application and maintenance fees were attached as Appendices to the report.

Officers disagreed with the Zoo's comment and were of the opinion that the cost of legal advice was within the remit of section 15 of the ZLA, specifically sub sections 1 and 5.

A Zoo Licence ran for a 6 year period. Fees must not exceed the cost of administering the licensing regime and should be cost neutral so that over the lifespan of the licence the budget should balance. On this basis it was under the policy it was not considered reasonable to charge a full 6 year maintenance fee at the start of the licence period. Therefore the maintenance fee would be calculated on an annual basis and charged on the anniversary of the licence being granted.

The annual maintenance fee would be based on cost recovery for the time spent in the previous 12 months if those figures were available. Therefore, if the level of compliance of a Zoo was high then the corresponding reduction in the maintenance fee would reflect this, as per Section 6 of the policy.

RESOLVED:- That

- (i) The Zoo's assertion that the cost of legal advice is outwith the framework for re-charging stated in the Zoo Licensing Act 1981 be rejected and these costs be included; and

- (ii) The 2016/17 Maintenance Fee for South Lakes Safari Zoo Ltd be set at £11,487.34.

6 – Annual Review of the Licensing Authority 2015/16

The Principal Environmental Protection Officer and Licensing Officer submitted a report which summarised the work carried out by the Licensing Authority in the previous financial year as follows:-

Policies and Policy Reviews

The Principal Environmental Protection and Licensing Officer reported that during the last financial year the Licensing Authority had undertaken the statutory reviews of the Statement of Licensing Policy and the Statement of Gambling Policy. Officers had carried out local and national consultations and collaborated with Officers from neighbouring Authorities to develop similar policies across Cumbria.

Members had appointed Vector Transport Consultancy to carry out the Unmet Demand Survey, on the Council's behalf, as required every 3 years. The Hackney Carriage trade, local interested parties and the Disability Association were consulted as part of the survey. Following their findings, the Hackney Carriage Vehicle Restriction Policy was adopted by Council.

A new policy had been prepared that brought together all the offences which, if held, would be a bar to holding an Animal Licence (boarding, breeding, pet shops, and zoos). This Convictions Policy was subsequently adopted by Council.

Fees and Charges

Changes in the taxi licensing laws required Officers to set new fees for drivers and operators, in the middle of the financial year. These interim fees had been approved by Members before Christmas. At the same time Officers had already started monitoring their time spent on all licensing areas and designing a fee setting methodology that was robust and would ensure that in future years, the fee setting process should be less onerous. A comprehensive Fee Setting review was then undertaken, resulting in the Licensing Authority being able to operate at full cost recovery across the majority of licence types, where the Local Authority could set its' own fees and charges. Additionally, a separate Zoo Recharging Policy was considered by Members and adopted by Council.

Enforcement

Proactively, Officers had visited and inspected a number of pubs and clubs and all Off-Licences, ensuring compliance with licence conditions and 'coaching' licence holders, especially those where police intelligence suggested higher crime or disorder. Furthermore, random Private Hire and Hackney Carriage vehicle checks had been undertaken throughout the year. Working with VOSA, a joint enforcement initiative was carried out, following an accident involving a licensed vehicle. Vehicles

were selected to undergo a 'Taxi Test' carried out by the VOSA Inspector, at one of the approved testing stations.

Stakeholder Involvement

The Taxi Liaison meetings had been re-established, providing a good link between Officers and Private Hire Operators, drivers and the Hackney Carriage trade. Similarly, a Multi Agency Licensing Team (MALT) continued to meet to discuss problematic licensed premises. MALT was made up from Officers from Cumbria Constabulary, Cumbria Fire and Rescue Service, Trading Standards, Environmental Protection, Private Sector Housing and Health and Safety.

Delegated Decisions

A number of licensing functions were delegated down to Officers. In the financial year 2015/16 the following licences had been issued/renewed under these powers:

Alcohol Licensing

- 58 Temporary Event Notices
- 17 Premises Licences (New and Variations)
- 38 Personal Licences

Taxi & Private Hire Licensing

- 333 Vehicle Licences
- 363 Driver Licences
- 19 Operator Licences

Miscellaneous Licenses

- 28 Animal Welfare Licences
- 26 Street Trading
- 7 Skin Treatment Registrations
- 12 Pleasure Boats and Boatmen

Ongoing Training and Workload

Officers had continued to attend training courses ensuring their competence was kept up-to-date through 'Continuous Professional Development'. Furthermore, two Officers had completed the Professional Licensing Practitioners Qualification. Officers continued to work on a new Taxi and Private Hire Licensing Policy and were currently reviewing the Street Trading and Charitable Collections Policies, along with the day-to-day management and administration of the Licensing regime.

RESOLVED:- That the report be noted.

7 – Non-Disclosure of a Relevant Conviction – Private Hire Driver

The Senior Licensing Officer reported on a matter which had been brought to the Licensing Authority's attention regarding the non-disclosure of a relevant conviction of a Private Hire Driver.

She set out details concerning the applicant and the Committee's policy regarding such matters.

The Private Hire Driver attended the meeting and addressed the Committee.

The Police Representative, PC Caroline Kendall also attended the meeting and addressed the Committee.

RESOLVED:- That a warning be issued to the Private Hire Driver for failing to disclose a simple caution.

8 – Endorsement of Decision to Suspend Hackney Carriage Vehicle Driver's Licence

The Environmental Health Manager reported that information had been brought to her attention regarding a current licensed Hackney Carriage Driver. She set out details of the Committee's policy regarding such matters.

The Constitution of the Council stated that the Environmental Health Manager had a delegation in respect of Taxi Licensing functions as follows:-

'To suspend Private Hire and Hackney Carriage Drivers and Operators who contravene the conditions of a licence or other relevant legislation until the next meeting of the Licensing Regulatory Committee'.

The Committee considered the impact of the Singh Case Law on delegations of the Environmental Health Manager.

Currently the Licensing Regulatory Committee had all the necessary power to discharge the licensing functions under the delegation. This case had highlighted that in cases of this nature, action needed to be taken in a timely manner by the Environmental Health Manager.

Having reviewed the circumstances of the case, legal advice was sought.

RESOLVED:- That:-

(i) The decision of the Environmental Health Manager to immediately suspend the Hackney Carriage Driver's Licence be endorsed; and

(ii) The delegation of the Environmental Health Manager be amended to read the following:-

'To suspend Private Hire and Hackney Carriage Drivers and Operators who contravene the conditions of a licence or other relevant legislation'.

9 – Withdrawn Item

The following item had been withdrawn from the Agenda:-

Agenda Item 9 -Safeguarding and Hackney Carriage/Private Hire Licensing.

The meeting closed at 3.22 p.m.

LICENSING SUB-COMMITTEE

Meeting: Monday 16th May, 2016
at 10.00 a.m.

PRESENT:- Councillors Callister and Seward.

Officers Present:- Jane Holden, (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer).

1 – Quorum of Meeting

Councillor Gill had given notice that he was unable to attend the meeting at 10.00 a.m. due to work commitments therefore making the meeting inquorate. It was proposed and agreed that a postponement of the Sub-Committee be made until the arrival of Councillor Gill.

The meeting was postponed at 10.02 a.m.

LICENSING SUB-COMMITTEE

Meeting: Monday 16th May, 2016
at 10.53 a.m.

PRESENT:- Councillors Callister, Gill and Seward.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer).

Legal Representative – Paul O'Donnell

2 – Appointment of Chairman for 2016/17

Nominations were requested for the appointment of Chairman of the Licensing Sub-Committee for 2016/17.

Councillor Seward moved that Councillor Callister be appointed as Chairman for 2016/17. This was duly seconded and it was

RESOLVED:- That Councillor Callister be appointed Chairman of the Licensing Sub-Committee for 2016/17.

COUNCILLOR CALLISTER IN THE CHAIR

3 – Minutes

The Minutes of the Licensing Sub-Committee held on 30th April, 2015 were taken as read and confirmed.

4 – Apologies for Absence/Attendance of Substitute Members

Councillor Gill had replaced Councillor W. McClure for this meeting only.

5 – Application for a Gaming Machine Permit in Licensed Premises

The Senior Licensing Officer reported that the Licensing Authority had received an application for a Gaming Machine Permit from The Owl and the Pussycat, Hindpool Road, Barrow under Schedule 13 Gambling Act 2005 (“the Act”) for 5 gaming machines within the premises.

The Owl and the Pussycat benefitted from a Premises licence issued under Section 17 Licensing Act 2003 authorising the sale of alcohol and had an automatic entitlement to make available two gaming machines (Category C or D).

Category C gaming machines allowed a maximum stake of £1 and a maximum prize of £100. Category D gaming machines allowed a maximum stake of 10p and a maximum prize of £5 cash. Category D machines also included crane grabbers and penny fall machines with the maximum stake being £1 and the prize up to £10 cash or £50 non-monetary prizes.

To take advantage of this entitlement, premises licence holders must give notice to the Licensing Authority and pay the prescribed fee (currently £50). The Licensing Authority had no discretion in this situation.

Where a premises wished to have more than 2 gaming machines, it needed to apply for a Gaming Machine Permit. The Council's Statement of Gambling Policy stated that each application would be determined on a case by case basis.

The Council's scheme of delegation did not authorise Officers to determine applications where the application was for more than 4 gaming machines.

As the application was for the siting of 5 machines, it was necessary to bring the application before the Committee for decision.

Members should be satisfied that the granting of the said permit would not undermine the licensing objectives and that the applicant was aware of the positive steps required to promote the licensing objectives.

The Act contained 3 licensing objectives which were:-

- Preventing gambling from being a source of crime and disorder being associated with crime and disorder, or being used to support crime;
- Ensuring that gambling was conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority could only have regard to these objectives when carrying out their functions under the Act.

The Gambling Commissions published code of practice provided the requirements that must be complied with by the Gambling Machine Permit Holder. A copy of the Code of Practice was attached as an appendix to the report.

The Senior Licensing Officer had visited the premises and confirmed that they were compliant with the requirements of the code of practice regarding the location and operation of gaming machines.

A representative of The Owl and the Pussycat had been invited to the Licensing Sub-Committee to discuss the application but had chosen not to do so.

The Licensing Authority had consulted with Cumbria Constabulary who had confirmed they had no objection to the application.

The Principal Environmental Protection and Licensing Officer withdrew and was re-admitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Licensed Premises Gaming Machine Permit be granted.

The meeting closed at 11.00 a.m.

Part One	
LICENSING REGULATORY COMMITTEE	(D) Agenda Item 7
Date of Meeting: 30th June, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
Title: Application for Street Collection Permit	
Summary:	
<p>An application has been made to the Licensing Authority for a Street Collection Permit on behalf of The Royal British Legion, Poppy Appeal 2016, the dates requested are Saturday 5th - Saturday 12th November 2016, this requires Members to exercise their powers to hear applications to vary any limitation or term imposed on a consent, licence or permission, in accordance with Minute No. 1.3 (ii) of the current allocation Policy for street collections/flag days.</p>	

1. The Application

An application has been made to the Licensing Authority for a Street Collection Permit from Saturday 5th to 12th November 2016 (inclusive) by Mr R.D Sheppard, on behalf of The Royal British Legion, Poppy Appeal 2016. (attached at **APPENDIX 1**)

The application outlines the organiser's intention to carry out street collections including the offerings of poppies from trays and collection of monies in sealed receptacles throughout the week, leading up to Remembrance Day.

2. Background

The Police, Factories and (Miscellaneous Provisions) Act 1916 allows local authorities to make regulations regarding street collections, where and conditions under which, persons may collect money or sell articles for the benefit of charity "or other purposes"

The current allocation policy for street collections/flag days was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993/94) of the Licensing Sub-Committee as follows:-

- a) That it be adopted as policy that once a particular date had been allocated to a charity, no further application from other charities for the same date would be permitted.
- b) No organisation would be granted more than one collection date in each calendar year.

- c) That preference would continue to be given to charities who use money collected locally.
- d) That no more than 50 street collection permits will be granted in a calendar year, such permits to be for collection days either on Fridays or Saturdays. No mid-week collections to be allowed.
- e) Organisations must comply with the Borough of Barrow-in-Furness Street Collection Regulations and submit a statement of accounts following their street collection in order for similar applications to be considered in future years.
- f) Minute No. 1.3 (ii) resolves to vary current general allocation policy to enable the Sub-Committee and/or the Panel to receive applications for additional collections in cases of special celebrations relevant to individual charities from time to time.

3. Poppy Appeal 2016

Additional information has been supplied by the applicant in support of their application and is attached at **APPENDIX 2**, information from their website <http://www.britishlegion.org.uk/remembrance/ww1-centenary/somme-100> is included below:

Battle of the Somme Centenary

1916-2016

2016 marks 100 years since the Battle of the Somme, a catastrophic battle that cost an estimated 620,000 British and French casualties during the First World War. The Battle of the Somme was fought at such terrible cost that it has come to symbolise the tragic futility of the First World War. Its first day of conflict remains the bloodiest day in the history of the British Army and it was felt deeply at home.

Many of the soldiers who had signed up were everyday young men from close-knit communities across the UK who subsequently suffered horrible losses. They were good friends, neighbours and colleagues who signed up together on the promise they would serve alongside each other. It sounded easy. These patriotic volunteers were sold on the romance of war, "Your Country Needs You", and became known as the 'Pals' battalions.

The 100th anniversary provides an opportunity to commemorate the Service and sacrifice of those who lost their lives in the battle, to reflect upon the human cost of conflict and to have hope for a more peaceful world.

The Battle of the Somme, began on 1 July 1916. It is one of the most famous battles of the First World War, because of the loss of 19,000 British troops killed in a single day (from a total of 58,000 casualties) – the first day of the

battle. No other conflict, before or since, can state such a statistic. Poor weather, including snow, finally stopped the Somme offensive on 18 November 1916.

4. Representations

The applicant has been invited to today's Committee.

5. Options

The options available to members are;

- a) To grant the Street Collection Permit for one day;
- b) To refuse to grant the Street Collection Permit;
- c) To grant the Street Collection Permit for selected dates; Saturday 5th to 12th November 2016 (inclusive).

6. Recommendation

It is recommended that members **GRANT** the Street Collection Permit on the selected dates; Saturday 5th to Saturday 12th November 2016 (inclusive), for following reasons;

1. There are no other street collection permits granted for those dates.
2. There are no other street collection permits allocated for The Royal British Legion Poppy appeal this year.
3. To date there are only 15 street collection permits that have been allocated from a maximum of 50, for 2016.
4. Members have the delegated authority to vary any limitation or term imposed on any consent, licence or permission.
5. Minute No. 1.3 (ii) resolves to vary current general allocation policy to enable the Sub-Committee and/or the Panel to receive applications for additional collections in cases of special celebrations relevant to individual charities from time to time.
6. This year is the Centenary of the Battle of the Somme.

7. Considerations

(i) Legal Implications

A street collection permit is required by any person to collect, in a street or public place within the Borough, money for the benefit of charitable or other purposes. The Council's Street Collection Regulations made under powers

contained in The Police, Factories, (Miscellaneous Provisions) Act 1916 regulate such collections. Any person who collects money or otherwise acts in contravention of the Council's Regulations with regard to street collection is liable to a fine.

There is no statutory right of appeal against the refusal of a street collection permit but a licensing authority's decision could be challenged by application to the High Court for a review of the decision (Judicial Review).

(ii) Risk Assessment

Not applicable

(iii) Financial Implications

None identified

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

Not applicable

(vi) Other Human Rights

Not applicable

(vii) Health and Well-being Implications

None identified

Background Papers

Nil.

THE ROYAL BRITISH LEGION POPPY APPEAL 2016**POLICE, FACTORIES ETC. (MISCELLANEOUS PROVISIONS ACT) 1916 STREET COLLECTIONS**

In pursuance of Section 5 of the above act, I hereby apply for a permit authorising me to promote the collection of which particulars are given below:-

Barrow Borough Council
Regeneration & Community Services
Environmental Health
24 Duke Street
BARROW IN FURNESS, Cumbria LA14 2LD

- 14 JAN 2016
- 1) Name & Address of Applicant: Mr R D Sheppard
The Poppy Appeal
Royal British Legion Village
Aylesford, Kent ME20 7NX
Telephone: [REDACTED]
- 2) Name & Address of Secretary: Details as above
- 3) Director of Finance: John Graham
- 4) Name & Address of Bankers: Lloyds, Cox's and King's Branch, 1st Floor, P O Box 1190,
7 Pall Mall SW1Y 5NA,
- 5) Name & Address of Auditors: Deloitte LLP, 2 New Street Square, London EC4A 3BZ
- 6) Proposed Date & Time of Collection: 5th to 12th November 2016
8 a.m. to 8 p.m.
- 7) District in which collection will be made: Throughout the whole of the Council's administrative area.
- 8) Has a permit ever been refused? No
- 9) Is a House to House collection being held? Yes, please see attached letter with details
- 10) Charity Registration No. Registered Charity 219279
- 11) Will a request be made for privately owned places? Yes, on receipt of permit from your authority.
- 12) Nature of Collection: Offer of Poppies from trays and collection of monies in sealed receptacles.
- 13) Objections of Organisation: To safeguard the welfare, interests and memory of those who are serving or who have served in the Armed Forces.
- 14) Disposal of receipts: Proceeds less administrative expenses and costs of poppies, are used for the benevolent funds of the Royal British Legion
- 15) Are remunerations to be paid from proceeds? No
- 16) Is an application being made in other & Council areas? Yes, to all Metropolitan, District & Borough Councils in England Wales.

Date 11th January 2016

Signature:

Graham Barker

From: [REDACTED]
Sent: 19 May 2016 10:02
To: Graham Barker
Subject: The Royal British Legion 2016 Street Collection Application

<http://www.britishlegion.org.uk/remembrance/ww1-centenary/somme-100>

Dear Graham,

Thank you for your telephone call this morning, it would mean so much to our volunteers and supporters to be able to offer our poppies to the public during Remembrance Time for more than just one day on the streets within the administrative area of Barrow Borough Council.

This year it is the 100 year anniversary of The Battle of the Somme, I have included the link to the Royal British Legion web page that explains what we will be doing to commemorate this most significant period.

Obviously looking forward, there will be similar commemorations, the Royal British Legion Poppy would be most grateful if Barrow BC would consider increasing the days on which we may conduct our street collections for 2016 and future years.

We look forward to hearing from you in due course.

With kind regards

Tina Nyirenda
Regional Supervisor & Licensing Officer
Direct: [REDACTED]
[REDACTED]
The Royal British Legion Poppy Appeal
Royal British Legion Village
Aylesford
Kent ME20 7NX

www.britishlegion.org.uk
Twitter: @PoppyLegion

Registered Charity Number: 219279.

This message is confidential. It may also be privileged or otherwise protected by legal rules.

POPPY PRESS

THE LEGION SUPPORTER NEWSLETTER SUMMER 2016

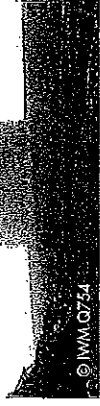
THE BATTLE BEHIND THE BRAVE LETTERS HOME

*Tomorrow, we go to the attack in the
greatest battle the British Army has ever
known. I cannot give you my feelings
in that night and I will tell you
well that I shall come back to you
in battle then I have no regret more for
I had ones before that I shall
I shall come back to you
We cherish and treasure
always to my*

SOMME 100 LEGION

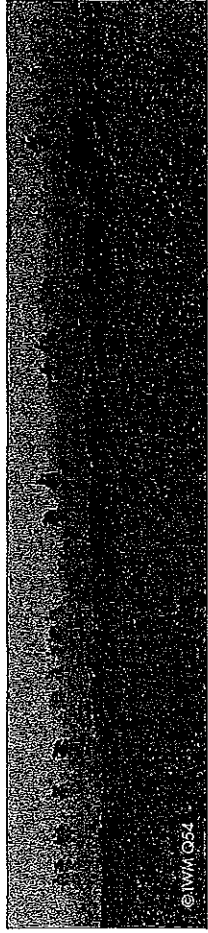
THE DEFINING MOMENT 7.30am, 1 July. Zero Hour.

Along the front line, officers in the trenches blew whistles and their troops scrambled up ladders to go over the top. There was no running. Instead, troops were ordered to walk towards the enemy lines. Met with relentless and continuous machine gun fire, thousands of brave men were cut down in minutes.



A huge mine under German front line positions at Havillam Redoubt explodes just before Zero Hour. It caused a crater 130 feet across by 58 feet deep.

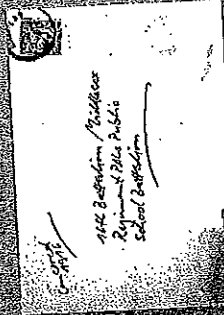
34th Division, having gone over the top, advancing on La Boisselle on 1 July.



Roll call of the 1st Battalion, Lancashire Fusiliers, on the afternoon of 1 July 1916, following their assault on Beaumont Hamel.

By the end of that first day, 19,240 British soldiers had lost their lives and the casualty figure (killed and injured) was an overwhelming 57,470. It is the highest number of casualties suffered by the British Army in a single day.

1 July 1916 is rightly referred to as the worst day in British military history, but the battle raged on for another 140 days. When it finally ended on 18 November, more than a million men had been wounded or killed. After four months of fighting, the Allies had advanced a mere five miles.



In the hours before the big push, thousands of soldiers wrote letters home — you'll find three moving examples with this Poppy Press. Like all letters sent from the front, they were censored before posting. References to locations, numbers of troops and criticism of superiors were removed — even references to weather which could indicate the state of the trenches.

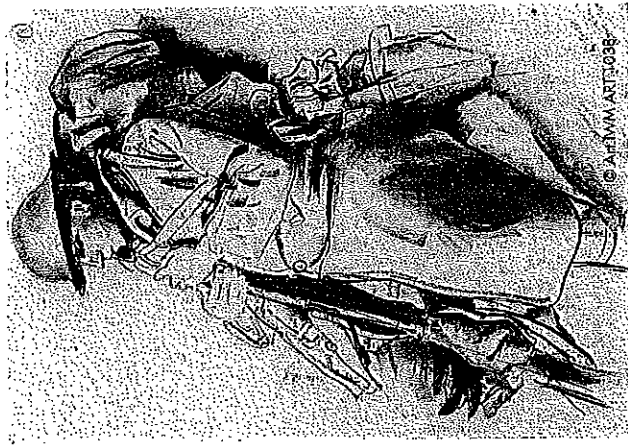
MONTHS OF PREPARATION

After months of trench warfare, the Battle of the Somme was part of a plan to drain the reserves of Germany and the Central Powers (Austria-Hungary and Bulgaria), by joining forces for a series of large combined attacks in different locations. The Battle of Verdun in February 1916 left the French army diminished forcing Britain to take on a larger role on the Somme than originally planned.

A SOLDIER'S KIT, 1916

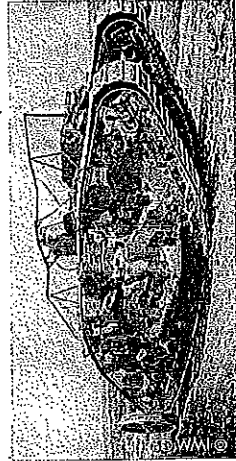
- Rifle
- Water bottle
- Bayonet
- Shovel
- Grenades
- Entrenching tool
- Steel helmet
- 4 empty sandbags
- Gas mask
- Groundsheet
- 170 rounds ammo
- Washing kit
- 4 bombs
- Mess tin
- Haversack
- A day's rations
- Greatcoat
- Iron rations

By the end of the Battle of the Somme, a soldier's full 'marching order' exceeded 66 lbs (30 kg), carried through the ever-present mud, massive crater holes and lethal barbed wire.



A NEW WEAPON: THE FIRST TANK

To break the stalemate of trench warfare, the Allies set about developing a weapon that could cross vast stretches of terrain at speed, bridge trenches and flatten barbed wire to allow ground forces access. A prototype was ready early in 1916 and the very first tank saw service in September 1916.



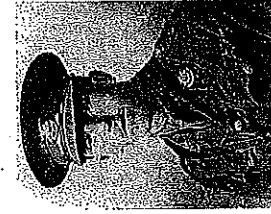
The first official photograph taken of a tank going into action, at the Battle of Flers-Courcelette, 15 September 1916.



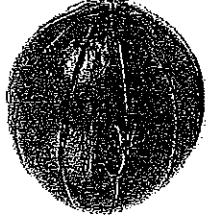
COUNTLESS HEROIC STORIES

We lay great store by the facts and figures of the First World War, but at the heart of these statistics are tales of bravery and courage – here are just two.

Captain Wilfred Percy Nevill kicked footballs ahead of his men as he led them 'over the top'



Known to his friends as 'Billie', he'd come up with the idea while on leave, thinking that the familiarity of a football would steady his troops' nerves. On 1 July 1916, when the artillery bombardment lifted, Nevill and another officer kicked the balls into no man's land and followed in pursuit. As the Advance approached the German barbed wire, the troops hesitated and Nevill dashed forward to kick the ball on. He was killed instantly.



Private Sidney Lewis was the youngest British soldier to fight in the First World War



A tall, heavily built boy, Lewis was just 12 years old when he ran away to enlist, lying about his age. He was sent to the Somme, where he fought on the front for six weeks.

When his worried mother discovered where he had gone she sent his birth certificate to the War Office and demanded his immediate return. In August 1916 – a year after he had joined up – he was sent home.



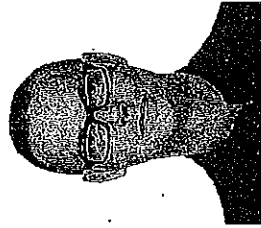
THE DEVASTATING AFTERMATH

When they returned in 1918, there was little support for our injured veterans – not to mention those haunted by the traumas of what they had experienced on the battlefields. In some ways, this was the real ‘lost generation’. These were the men and women that the Legion was formed to support. Thanks to your generosity, we’ve been there ever since.

WE’LL KEEP FIGHTING FOR VETERANS LIKE IAN

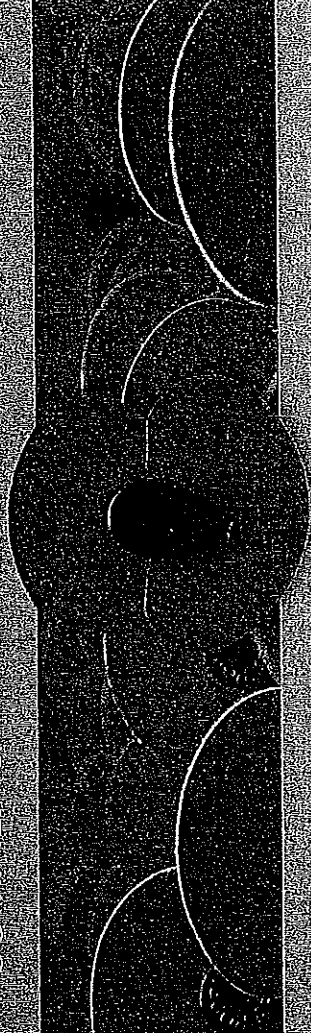
Former RAF medic Ian Ewers-Larose fell seriously ill with Chronic Fatigue Syndrome while serving in the Gulf. He now also suffers from a condition that affects his joints and muscles, as well as regular ‘short circuits’ (mini strokes).

Aged 48, Ian has had to stop work, he needs sticks and a walking frame to get around and takes a daily cocktail of medicines to keep him alive. The Legion recently helped him adapt his home, including installing a wetroom. We’re also campaigning for more research into Gulf War illnesses like his, so that other veterans can get the support they need to make a full recovery.



Read more at www.rbl.org.uk/poppypress

PLAY YOUR PART IN SOMME 100 COMMEMORATIONS AT WESTMINSTER ABBEY



Ceremonies will begin at Westminster Abbey on 30 June to mark the eve of the Battle of the Somme.

An overnight vigil at Westminster Abbey will mark the start of London’s Somme 100 commemorations.

Research by artist Ming Pease will be at the heart of a message about remembrance.

Field of the Grave of the Unknown Warrior will begin a 30-minute Victory Service.

ONE The year that led to the alien of your boss.

The Queen and guests of the BBC will be at the Abbey with members of the public throughout the night.

TWO The service will be provided by the Royal British Legion.

The night will be broadcast on the BBC and other channels.

THREE A new night of poetry and prose will be read at the Abbey.

The night will be broadcast on the BBC and other channels.

FOUR A new night of poetry and prose will be read at the Abbey.

The night will be broadcast on the BBC and other channels.

FIVE A new night of poetry and prose will be read at the Abbey.

The night will be broadcast on the BBC and other channels.

SIX A new night of poetry and prose will be read at the Abbey.

The night will be broadcast on the BBC and other channels.



© IWM © 1915

A MESSAGE FROM OUR GUEST EDITOR, CORPORAL LIAM YOUNG

My great grandfather, Robert Rodgers, served at the Somme. He was my great grandmother's second husband – her first husband also fought there but he died from the effects of being gassed in the trenches.

Great Grandad Rodgers came home with shrapnel lodged in his abdomen and who knows what memories lodged in his brain. He never talked about the battle. It's a great honour to edit this special issue of *Poppy Press* – a way for me to pay tribute to both these men, and the thousands more who laid down their lives.

Even having served myself, I struggle to get my head around the number of lives lost at the Somme. 19,240 British soldiers on the first day alone.

I served in Iraq and Afghanistan (above) before I was medically discharged. I was diagnosed with ulcerative colitis – a really nasty illness. If I'd been serving 100 years ago, I wonder whether I would have survived the field hospital, never mind making it home. Reading the descriptions of trench life in the letters enclosed, I doubt it.

On 1 July, I'll be wearing my Great Grandad Rodgers' Somme Star with pride (pictured below). I will think quietly about the horrors he and so many others suffered as they fought bravely for King and Country. I will salute their courage. And I'll remember with gratitude the life-changing support the Legion gives all who serve. I hope you will too.

Thank you for all the support you've given this great cause, and I hope you enjoy reading your *Poppy Press*.

Corporal Liam Young, The Light Dragoons (Ret'd)



Left to right: Liam Young's great grandfather at his step-daughter's wedding; Liam with his father on Remembrance Sunday; collecting for the Poppy Appeal.



COMMEMORATIVE EVENTS ACROSS THE UK AND IN FRANCE

Manchester: 1 July 2016

On 1 July, national commemorations will be based in Manchester, including a Somme 100 parade, a Remembrance service in Manchester cathedral and free concert in the evening at Heaton Park.

National Memorial Arboretum:

30 June – 18 November 2016

On 30 June, a candlelit vigil will be held in the amphitheatre at the Arboretum, with readings and poetry. The fallen of the Somme will be remembered every day, as part of the Daily Act of Remembrance.

For full details of commemorations taking part across the UK, visit www.britishtion.org.uk/somme100UK

Thiepval Memorial

to the Missing:

1 July – 18 November 2016

Thiepval commemorates

72,085 Commonwealth

soldiers who died at the

Somme and have no known

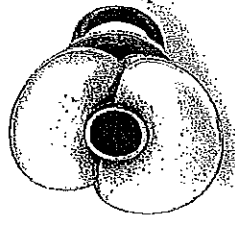
grave. A service will be

held there every day during

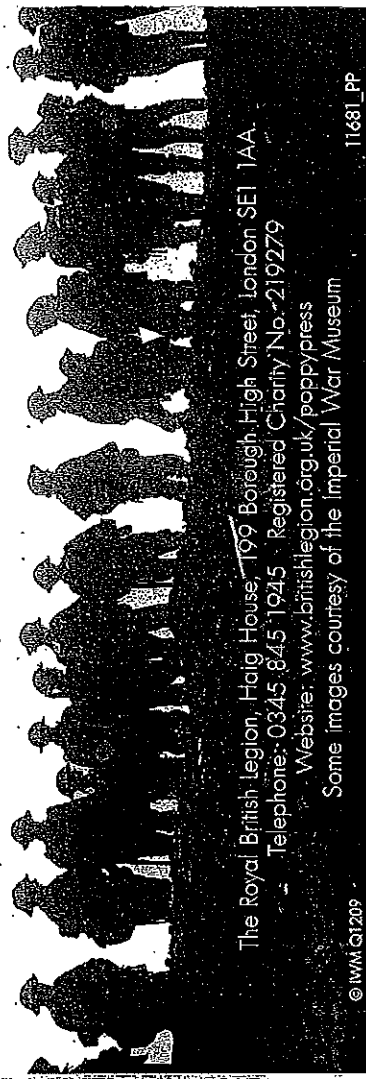
the centenary, to remember

all 141 days of the battle.

REMEMBER THEM WITH A SOMME POPPY PIN



As well as dedicating your Somme 100 poppy and making a donation, this beautiful limited edition pin badge is also available to buy online from the Legion's Poppy Shop. The red enamel in its centre is mixed with soil taken from the Somme battlefields. You can find out more at www.poppysshop.org.uk



The Royal British Legion, Haig House, 199 Borough High Street, London SE1 1AA.
Telephone: 0345 845 1945 Registered Charity No. 219279

Website: www.britishtion.org.uk, poppypress
Some images courtesy of the Imperial War Museum

Part One	
LICENSING REGULATORY COMMITTEE	(D) Agenda Item 8
Date of Meeting: 30th June, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: The Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy</p> <p>Report Summary:</p> <p>Officers have completed a review of the current guidelines on the fitness of applicants for licensed drivers, and have developed a new draft policy for consultation. The review was necessary in part, following the findings of the Independent Inquiry into Child Sexual Exploitation in Rotherham commissioned by Rotherham Metropolitan Borough Council in October 2013 (the Jay Report), and specifically in the context of the controls Councils can impose for the licensing of private hire and hackney carriage drivers.</p> <p>The report asks Members, to approve the consultation of the draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy, including its additional requirement to enable the Licensing Authority to introduce appropriate and necessary training, to continually improve driver standards, knowledge and awareness.</p>	

1. Introduction

1.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a Hackney Carriage or Private Hire Driver licence unless they are satisfied that the applicant is a fit and proper person to hold a licence. No definition of 'fit and proper' is offered and the Council's discretion is wide-ranging.

1.2 Currently, before an applicant can be granted a Hackney Carriage or Private Hire Vehicle Driver's Licence they are required to prove that they are a 'fit and proper person'. Therefore they have to undertake the following tests:

- An Enhanced Disclosure and Barring Service Check (DBS) which highlights any history of criminality. Hackney Carriage and Private Hire drivers are exempt from the Rehabilitation of Offenders Act 1974 (as amended). Consequently, the Council is able to consider the applicant's full history and note any patterns of behaviour/concern. The Council's Guidelines on the relevance of convictions are then applied to any past criminality. This may prevent applicants from becoming licensed, if deemed appropriate by Members.

- A check with the Driver and Vehicle Licensing Agency (DVLA) to ensure that they are able to drive and what offences (if any) they may have.
- A DVLA Group Two Medical - this is the same level as that required to be a Heavy Goods Vehicle (HGV) Driver.
- Present a Certificate of Good Conduct from the Country where they have resided, if they have lived out of the UK for a period of six months or longer since the age of ten (the age of criminal responsibility) to prove their previous good character.

1.3 The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

2. Draft Policy

2.1 The new draft Policy is attached at **APPENDIX 3** and is an amalgamation of the current guidelines used by Officers and Members to determine an applicants fitness and covers the following areas:

- Driving Entitlement;
- Character and Licensing History;
- Medical Suitability;
- Training Requirements;
- the Right to Work in the UK; and
- Criminal Convictions, Cautions and Reprimands.

- a. The draft policy is the basis on which all applications are determined, however it is important to note that every application must be treated on its own merits, and where decisions may be made that depart from the Policy, that decision should be accompanied by full reasons.
- b. All decisions to grant or refuse a licence, including any Officer using delegated powers, will do so in accordance with this policy. Every decision will be recorded stating the facts upon which the decision was and full reasons for the decision. Those making the decision should be aware that departing without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.

2.3 The draft policy includes a new training requirement. The Licensing Authority has identified that there is a need for appropriate training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness. Upon application or during the course of their licence, applicants or drivers will be required to undertake relevant training, as determined by the Licensing Authority.

2.4 To draw Members attention to this new requirement, detailed below is Section 5 of the draft policy.

5. Training Requirements

- 5.1 The Licensing Authority has identified that from time to time there will be a need for specific training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness.
- 5.2 Upon application or during the course of their licence, applicants / drivers will be required to undertake appropriate training, as determined by the Licensing Authority.
- 5.3 Failure to undertake the required training within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.4 Where outside bodies, charitable organisations or professional providers are employed by the Council to deliver bespoke training, any costs incurred will be recovered through licensing fees. All costs will be kept a minimum. The Licensing Authority has adequate in-house facilities to enable cost-effective training.
- 5.5 The Council will have 'Safeguarding' policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a hackney carriage and private hire, drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.
- 5.6 From the date of adoption of this policy, all applicants (new and renewal) for hackney carriage and private hire drivers' licences will be required to attend a Safeguarding Awareness training session. Failure to attend within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.7 Safeguarding Awareness sessions will be free of charge, for the first 12 months, following the adoption of this policy. Subsequent sessions will incur a cost recoverable through licensing fees.
- 5.8 Applicants for hackney carriage and private hire drivers' licences will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. All new applicants will be required to pass a knowledge test as part of the application procedure.
- 5.9 Existing drivers, from the date of adoption of this policy, will be required to undertake the same knowledge test upon drivers licence renewal. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.

- 5.10 All applicants will be given the necessary information needed to pass the knowledge test, prior to booking the test. An individuals learning needs will be taken into consideration and adjustments made where necessary.
- 5.11 The test will encompass questions, the majority of which are multiple choice, which will access the drivers' knowledge in the following areas:

Local Geography

Applicants will be tested on their knowledge of Barrow Borough Council geography, recording the shortest routes between locations and identifying where local landmarks are.

Highway Code

Applicants will be asked to answer a number of questions as to driving skill, road information and etiquette as set out in the Highway Code.

Licensed driver responsibilities and Licence conditions

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing, and a drivers responsibilities.

Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

Disability awareness

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers.

General

Questions covering vehicle maintenance, seat belts, smoking.

- 5.12 A maximum number of 3 attempts has been imposed for which applicants (for the grant of a new hackney carriage/private hire drivers licence) are able to undertake the Council's knowledge test (numeracy, highway code, local geography, driver responsibilities etc.), after which there will be a minimum period of six months before any new testing may take place.
- 5.13 Existing licensed drivers, who are required to take the knowledge test upon renewal, will again have a maximum number of 3 attempts to pass and must take this into consideration when applying to renew their licence. To facilitate this, existing drivers can take the knowledge test at any of the sessions before their renewal date. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.14 The knowledge test is conducted at the Council Offices, twice a month. A timetable of knowledge test dates is produced annual. Applicants will not be

considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate 75% in the test.

5.15 The knowledge test is only required to be passed once. However, undertaking and passing the knowledge test may be used as an option that is available to Members, when considering whether or not a driver is a fit and proper person, following justified complaints of conduct or poor character.

3. Public Consultation

3.1 When the Licensing Authority proposes to make significant changes which will effect licence holders, it is appropriate to undertake a public consultation. An initial consultation regarding safeguarding awareness and the knowledge test proposals took place between 10th March 2016 and 7th April 2016, via the Council's Website and directly via Email with:

- Current licence holders (where we hold email details),
- Private Hire Operators,
- Furness Taxi Association,
- National Taxi Association,
- Cumbria Police and
- Cumbria County Council (Safeguarding).

3.2 Copies of this initial consultation email and information are attached at **APPENDIX 4** and **5**. Only one response was received, albeit a positive one.

Response.

Hi, I did an nvq in customer service some years ago with A1 but would be more than happy to receive some training on how to assist disabled and elderly less mobile people in and out of the cab as there are too many grey areas as to the correct methods, also you want to help but are aware of claim culture and liability might backfire on you, the same with transporting under 18s without adult accompaniment, so it would be helpful to know where we stand on such issues, Also a knowledge test would be a good thing as I feel the trade needs more regulation and the cowboy type image of taxi drivers needs dispelling. Too many new drivers take the long way round and overcharge as a consequence resulting in loss of custom and their inability to find places also results in loss of custom for the rest of us, and I think it should be compulsory. Hope this helps.

3.3 Officers have considered that only one response may not be representative, however the introduction of this policy will ensure that Safeguarding awareness and training can be adequately addressed.

3.4 It is therefore proposed to carry out a further public consultation on the draft Policy. Any amendments will be brought back to the Licensing Regulatory Committee with a recommendation to Council. Members will be kept informed of developments regarding the consultation and it will be necessary for this new policy to be approved by Council.

4. Options

The options available to Members are;

- a) Approve the amalgamation of current Council guidance and the inclusion of a training requirement within the Hackney Carriage and Private Hire Licensing regime, through the introduction of the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy;
- b) Approve the public consultation of the new draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy; and
- c) Following consultation, consider the responses and amendments and recommend to Council for approval.
- d) Not require either a) or b) or both of the above options.

5. Recommendation

I recommend that Members:-

- a) Approve the amalgamation of current Council guidance and the inclusion of a training requirement within the Hackney Carriage and Private Hire Licensing regime, through the introduction of the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy;
- b) Approve a public consultation of the new draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy; and
- c) Following consultation, consider responses and amendments to the draft policy and recommend to Council for approval.

6. Reasons for Recommendation

- a) The Policy is the basis on which all applications are determined;
- b) The Licensing Authority is promoting its primary objective: the protection of the public;
- c) Safeguarding issues will be effectively addressed within the hackney carriage and private hire licensing regime through the new training requirement;
- d) The Licensing Authority strives to continually improve driver standards;
- e) No adverse comments or objections were received as part of the initial public consultation.

7. Considerations

(i) Legal Implications

Local Government (Miscellaneous Provisions) Act 1976

Section 51 - Licensing of drivers of private hire vehicles.

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

Section 59 - Qualifications for drivers of hackney carriages.

(1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence;

In respect of Sections 51 and 59, the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant aggrieved by the refusal of the District Council to grant a driving licence on the ground that the applicant is not a fit and proper person to hold such a licence, may appeal to a magistrates court.

(ii) Risk Assessment

Not applicable.

(iii) Financial Implications

Not applicable.

(iv) Key Priorities or Corporate Aims

Not applicable.

(v) Equality and Diversity

There are no issues relating to equality or diversity.

(vi) Other Human Rights

Any action undertaken by the Council, that could have an effect upon another person's human rights, must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole.

Any action taken by the Council which affect others' rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of those obligations.

The recommendations support the protection of the human rights of the public who use hackney carriage and private hire vehicles, particularly children, young people and vulnerable adults. They also aim to ensure the Council is protecting the public.

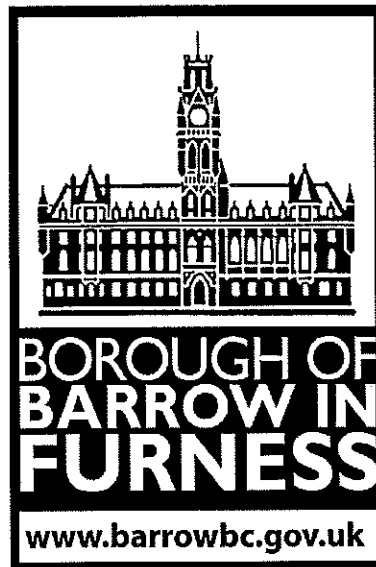
(vii) Health and Well-being Implications

The purpose of the Private Hire and Hackney Carriage licensing system is to protect the safety and welfare of the public who use this transport.

Background Papers

Jay Report: Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013)

http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham



THE FITNESS OF APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES POLICY

Version Control:	
Document Name:	The fitness of applicants for Hackney Carriage and Private Hire drivers licences policy
Version:	Draft Version 1.0
Responsible Officer:	Senior Licensing Officer
Review	Principle Environmental Protection & Licensing Officer
Approval Date	
Review Date	

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1. Introduction

- 1.1 This document sets out the policy adopted by Barrow Borough Council in respect of the consideration of whether an applicant is fit and proper to hold a hackney carriage or private hire driver's licence.
- 1.2 The Council is responsible for regulating the provision of hackney carriage and private hire services under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and other related legislation.

When considering applications for many of the licence types available under the legislative framework, including hackney carriage and private hire driver's licences, the Council must be satisfied that the applicant is a fit and proper person to hold such a licence.

- 1.3 This policy forms the basis for Officers and the Members of the Licensing Regulatory Committee on the way in which an applicant's fitness should be considered. However, it is important to note that every application **must** be treated on its own merits, and the contents of this document do not bind the Council, its Officers or the Committee.

Decisions may be made that depart from this policy, if the circumstances of the application warrant doing so. Any decision should be accompanied by full reasons for that decision, and those making the decision should be aware that departing without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.

- 1.4 It is noted that no attempt is made within the legislation to define the term "fit and proper person", and this policy likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and this document contains examples of issues that may lead to the Council to determine that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

- 1.5 The Council may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.
- 1.6 An applicant who does not satisfy this policy will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.
- 1.7 The overriding consideration in compiling and interpreting this policy, is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.8 Licences will be issued for a three year period, in the absence of any other limitation that causes the Council to issue a shorter duration licence. An annual statement of declaration, upon the anniversary of the grant of the most recent licence, will be required to be signed by licensed private hire and hackney carriage drivers, declaring any new convictions and/or cautions. An annual DVLA check will also be conducted at this time to ensure the driver has not received any driving endorsements in the previous 12 months.
- 1.9 This policy will be taken into account by the Council when dealing with any of the following matters:
- a) An application for a new hackney carriage driver's licence (Section 46 Town Clauses Act 1847 / Section 59 Local Government (Miscellaneous Provisions) Act 1976).
 - b) An application for a new private hire driver's licence (Section 51 Local Government (Miscellaneous Provisions) Act 1976).

- c) An application to renew a private hire or hackney carriage driver's licence (Section 51, 59 and 61 Local Government (Miscellaneous Provisions) Act 1976).
- d) A proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61 Local Government (Miscellaneous Provisions) Act 1976).

1.10 Although Section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the Council to include similar considerations under that Section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

1.11 Any person refused a driver's licence on the grounds that the Council is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision.

1.12 Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a hackney carriage or private hire drivers licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

1.13 The policy has been drawn up with regard to the Department of Transport's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)", and in accordance with government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92.

The policy has been prepared with reference to, and are considered to be compatible with, the rights, freedoms and obligations contained in the Human Rights Act 1998 and the European Convention on Human Rights.

2. Driving Entitlement

- 2.1 In accordance with Sections 51(1)(b) and 59(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, licences may not lawfully be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.
- 2.2 Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address. Where a licence has been issued in two parts (counterpart and photo card) both must be shown.
- 2.3 The Council will also carry out a separate check of an applicant's entitlement to drive in the UK via an appropriate verification agency. Applicants will be required to sign a consent form for this check as part of their application.
- 2.4 All applicants must hold either a full UK driving licence, or one issued by another Member State of the European Community (EC) or one of the other countries in the EEA. European licences may be used for a limited period only, dependent upon the applicant's circumstances, and the Council shall have regard to any guidance given by the Driver and Vehicle Licensing Agency (DVLA) in these circumstances.
- 2.5 The Council requires any applicant who holds a driving licence issued by an EEA member state to obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK, thus creating an on-going record on driving conduct, of a type relevant to vocational drivers. Both the British counterpart and the original European licence must be produced on making an application. British counterparts may be obtained from DVLA through the completion of form D9.
- 2.6 Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

2.7 New applicants will be required to pass the DVSA Standard Driving Assessment - Practical Assessment. For further information and to book and pay for your driving test go to: <https://www.gov.uk/book-driving-test>

DVSA driving test certificates will only form part of a valid application if they were carried out within 1 year of the completed application date.

2.8 Driving licence endorsements are covered later in this document. However, should a licence- holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

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3. Character and Licensing History

- 3.1 The Council require applicants and licence-holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.
- 3.2 Although the Council will not seek character references in most cases, any other information may be taken into account, should the Council deem it relevant to the application in question.
- 3.3 Where an applicant has previously held (or currently holds) a licence, whether issued by Barrow Borough Council or another local authority, information about the applicant's conduct under the previous licence(s) may be taken into account in considering an application. This may include details of any complaints made against the applicant, warnings given to the applicant by officers, or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will generally be refused.
- 3.4 In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.
- 3.5 If an application has previously been refused (or a licence revoked), then any further applications made within the period of 24 months from the date of refusal (or revocation) will generally be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council.
- 3.6 Knowingly or recklessly making a false statement in, or in connection with, an application is likely to result in that application being refused. In addition, as such conduct may constitute a criminal offence under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976; legal action may also be taken against the applicant.

- 3.7 Where an existing licence-holder is under an obligation to provide information to the Council (for example, details of any convictions or motoring endorsements received during the validity of the licence) and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.
- 3.8 Issues relating to criminal convictions will be addressed later in this policy. However, the Council will pay particular attention to any convictions for offences with a public safety element.

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4. Medical Suitability

- 4.1 Every application for a new licence will be required to be accompanied by a medical certificate, in a format specified by the Council, and completed by the applicant's own GP or by another suitably qualified medical practitioner who has had access to the applicant's medical records covering a minimum period of at least 5 years. The medical certificate must have been completed within 1 month of the completed application/renewal date.
- 4.2 Applicant's will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA), and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether, in their opinion, the applicant complies with the standards and is medically fit to drive hackney carriages or private hire vehicles. A summary of these standards can be viewed via:
www.dft.gov.uk/dvla/medical/ata glance.aspx
- 4.3 Medical certificates will be requested upon first application, and when the applicant reaches their 50th, 56th, 59th or 62nd birthday. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (unless otherwise requested by the applicant, or in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend/revoke or refuse to renew the licence.
- 4.4 Where an applicant does not fully comply with the standards, the Council will consider carefully whether this, in itself, will make the applicant an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit, although the Council may require further information or evidence from the applicant's doctor or consultant on the effect of such control measures, and the applicant's willingness to abide by the treatment programme.

- 4.5 Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.
- 4.6 Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.
- 4.7 The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice / GP Surgery.

5. Training Requirements

- 5.1 The Licensing Authority has identified that from time to time there will be a need for specific training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness.
- 5.2 Upon application or during the course of their licence, applicants / drivers will be required to undertake appropriate training, as determined by the Licensing Authority.
- 5.3 Failure to undertake the required training within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.4 Where outside bodies, charitable organisations or professional providers are employed by the Council to deliver bespoke training, any costs incurred will be recovered through licensing fees. All costs will be kept a minimum. The Licensing Authority has adequate in-house facilities to enable cost-effective training.
- 5.5 The Council will have 'Safeguarding' policies and procedures to ensure the public are protected. This includes policies and procedures the Council uses to vet licence holders and also a hackney carriage and private hire, drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.
- 5.6 From the date of adoption of this policy, all applicants (new and renewal) for hackney carriage and private hire drivers' licences will be required to attend a Safeguarding Awareness training session. Failure to attend within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.7 Safeguarding Awareness sessions will be free of charge, for the first 12 months, following the adoption of this policy. Subsequent sessions will incur a cost recoverable through licensing fees.

- 5.8 Applicants for hackney carriage and private hire drivers' licences will be required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. All new applicants will be required to pass a knowledge test as part of the application procedure.
- 5.9 Existing drivers, from the date of adoption of this policy, will be required to undertake the same knowledge test upon drivers licence renewal. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.10 All applicants will be given the necessary information needed to pass the knowledge test, prior to booking the test. An individuals learning needs will be taken into consideration and adjustments made where necessary.
- 5.11 The test will encompass questions, the majority of which are multiple choice, which will access the drivers' knowledge in the following areas:

Local Geography

Applicants will be tested on their knowledge of Barrow Borough Council geography, recording the shortest routes between locations and identifying where local landmarks are.

Highway Code

Applicants will be asked to answer a number of questions as to driving skill, road information and etiquette as set out in the Highway Code.

Licensed driver responsibilities and Licence conditions

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing, and a drivers responsibilities.

Numeracy

Applicants will be tested on their ability to carry out elementary mental arithmetic, as encountered in calculating the change to be paid to a potential customer who overpays a fare.

Disability awareness

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers.

General

Questions covering vehicle maintenance, seat belts, smoking.

- 5.12 A maximum number of 3 attempts has been imposed for which applicants (for the grant of a new hackney carriage/private hire drivers licence) are able to undertake the Council's knowledge test (numeracy, highway code, local geography, driver responsibilities etc.), after which there will be a minimum period of six months before any new testing may take place.
- 5.13 Existing licensed drivers, who are required to take the knowledge test upon renewal, will again have a maximum number of 3 attempts to pass and must take this into consideration when applying to renew their licence. To facilitate this, existing drivers can take the knowledge test at any of the sessions before their renewal date. Failure to undertake and pass the knowledge test may result in refusal to renew the appropriate licence.
- 5.14 The knowledge test is conducted at the Council Offices, twice a month. A timetable of knowledge test dates is produced annual. Applicants will not be considered to be fit and proper to hold a licence unless or until they have achieved the requisite pass rate 75% in the test.
- 5.15 The knowledge test is only required to be passed once. However, undertaking and passing the knowledge test may be used as an option that is available to Members, when considering whether or not a driver is a fit and proper person, following justified complaints of conduct or poor character.

6. Right to Work in the UK

- 6.1 All applicants for a hackney carriage or private hire driver's licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at: www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/ in ascertaining this status.
- 6.2 A licence will not be granted to an applicant who is not entitled to work in the UK.
- 6.3 It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals.
- 6.4 The UK Border Agency maintains a list of documents that can evidence such an entitlement, which is reproduced below. Documents in List A demonstrate that the person has an on-going entitlement to work in the UK; documents in List B indicate that the person has restrictions on their entitlement to be in the UK. Copies of documents produced will be retained.

List A	
Documents showing an on-going right to work	
A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.	An official document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the person, and one of the following:
A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.	
	<ul style="list-style-type: none"> An Immigration Status Document issued by the Home Office, the

<p>A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a national of a European Economic Area country or Switzerland.</p>	<p>Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom</p>
<p>A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.</p>	<ul style="list-style-type: none"> • A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents • A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents
<p>A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom</p>	<ul style="list-style-type: none"> • A birth certificate issued in the Channel Islands, the Isle of Man or Ireland • An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
<p>A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.</p>	<ul style="list-style-type: none"> • A certificate of registration or naturalisation as a British citizen • A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom.
<p>List B Documents showing a time-limited right to work</p>	
<p>A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.</p>	<p>A document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and</p>

<p>A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.</p>	<p>Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder, and one of the following:</p>
<p>A work permit or other approval to take employment issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency, and one of the following:</p> <ul style="list-style-type: none"> • a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question • a letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer confirming the same 	<ul style="list-style-type: none"> • An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question. • A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
<p>A Certificate of Application issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old (the Council must also undertake employment checks with UKBA in this situation).</p>	<p>An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment</p> <p>(The Council must also undertake employment checks with UKBA in this situation).</p>
<p>A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.</p>	

- 6.5 In addition to requiring documents as identified above, the Council may also make direct enquiries to the UK Border Agency, to verify the details of an applicant's right to work.
- 6.6 Where an applicant's entitlement to work (or to remain in the UK) is time-limited, it is open to the Council to consider granting a licence that expires in accordance with the entitlement to work. Should that entitlement subsequently be extended during the validity of the licence, an application to renew the licence for a longer period may be made, to be accompanied by evidence of the revised entitlement.

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7. Criminal Convictions, Cautions and Reprimands

- 7.1 When submitting an application for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going criminal investigations, prosecutions or similar legal proceedings of which they are the subject.
- 7.2 As hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application. However, the Council will generally only take such convictions into account if they are considered to be of particular relevance to the application in question or of an especially serious nature, or if there is some other cause to believe that the applicant cannot be considered to be 'rehabilitated'.
- 7.3 All applicants will be required to obtain an enhanced level disclosure from the Disclosure and Barring Service (DBS), upon initial application, and every three years thereafter, and the Council shall facilitate these applications upon payment of the required fee. This level of disclosure includes details of spent convictions and police cautions, as well as any non-conviction information deemed relevant to the application. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge.
- 7.4 As DBS disclosures can be considered accurate only on their issue date, and may contain additional, non-conviction information, specific to the application and released at the discretion of the Chief Police Officer, we will require all applicants to obtain a new disclosure through the Council every three years. Disclosures obtained previously through other bodies or for other purposes will not be accepted.

As previously mentioned within this document, an annual statement of declaration, upon the anniversary of the grant of the most recent licence, will be required to be signed by licensed private hire and hackney carriage drivers, declaring any new convictions and/or cautions.

7.5 DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. To enable the Council to properly consider an application, an applicant who has resided outside the UK for a period of more than 3 months (excluding holidays) will be required to produce a 'Certificate of Good Conduct' from the relevant country(ies) (generally issued through the relevant embassy or consulate) which details any convictions or other matters arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country.

7.6 As a general rule, the Council will expect applicants for licences to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a licence but should be expected to have:

- remained free of conviction for an appropriate period and
- shown adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

7.7 It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence.

- 7.8 Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.
- 7.9 On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.
- 7.10 Drivers licensed by the Council are required to notify the Licensing Section within 14 days, in writing, of any convictions, cautions or similar proceedings during the period of the licence. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

8. Statement on the Relevance of Convictions

8.1 In determining the relevance of a conviction or caution, consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since conviction and the applicant's conduct subsequent to that conviction.

8.2 In circumstances where previous convictions or other information relating to criminal matters is disclosed the Council will take the following into consideration:

- The nature of the offence
- When it was committed
- The date of conviction
- The nature of the sentence imposed
- The applicant's age when the offence was committed
- The time elapsed since the conviction and the applicant's conduct in that time, and
- Any other factors which might be relevant.

8.3 Where the applicant has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction.

8.4 It is noted that cautions are not convictions, but rather are an admission of guilt to a criminal matter. The Council may have regard to cautions when considering an application, and will take the following matters into consideration:

- The nature of the offence
- Any history of related cautions or convictions
- The guidelines applying to convictions of that category.

8.5 The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed driver to hold a licence.

8.6 Although some specific guidelines on the relevance of convictions are contained in the following sections for examples of offences to which the Council will pay particular regard, the Council will give equal consideration to offences falling outside of these categories and the examples given. Offences of a similar nature or differently entitled in any statutory provision, modification or re-enactment will be taken into account in accordance with the guidelines.

Violence

8.7 As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 or more years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably. An offence involving loss of life is likely to result in the refusal of an application.

8.8 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence of:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Kidnapping or abduction
- Terrorism offences
- Or other similar offence or offences which replace the above offences.

8.9 An application will normally be refused for a period of 5 years from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed for offences of:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent

- Grievous bodily harm
- Wounding with intent
- Robbery
- Aggravated burglary
- Threats to kill
- Racially-aggravated criminal damage
- Racially-aggravated public order offences
- Assault with intent to cause grievous bodily harm;
- Assaulting a Police Officer in the execution of his duties;
- Malicious wounding;
- Racially aggravated criminal damage;
- Racially aggravated fear or provocation of violence;
- Racially aggravated intentional harassment, alarm or distress;
- Racially aggravated harassment;
- Racially aggravated putting people in fear of violence;
- Riot;
- Possession of an offensive weapon;
- Possession of a firearm;
- Violent disorder;
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of 5 years or where the penalty is fixed by law).

8.10 An application will normally be refused where the applicant has a conviction, less than 3 years prior to the date of application, for an offence of: -

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Public order offences
- Harassment

- Obstruction
- Criminal damage
- Resisting arrest
- Racially aggravated common assault;
- Racially aggravated harassment, alarm or distress;
- Obstructing a police officer in the execution of his duty;
- Any similar offence or offences which replace the above offences

8.11 For convictions of a type referred to in the preceding paragraph, between 3 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence produced to show good character since the date of conviction.

Sexual and Indecency offences

8.12 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence of:

- Rape
- Sexual assault
- Indecent assault
- Offences involving children or vulnerable adults
- Gross indecency
- Possession of indecent material, child pornography, etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any sexual offence committed in the course of taxi or private hire work

8.13 An applicant will normally be refused a licence until a period usually between 5 and 10 years free of any such convictions from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed for an offence of: -

- Indecent exposure
- Soliciting

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

Drugs and Alcohol

8.14 An application will normally be refused where an application is made within 3 to 5 years from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed for an offence relating to the possession of drugs.

However, after a period of three years, from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

8.15 An application will normally be refused where the applicant has a conviction for an offence relating to the import, production or supply of drugs 5-10 years before the date of application, from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed.

However, after 5 years, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

8.16 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness may indicate a medical problem necessitating critical examination of an application.

Where there is evidence of persistent drug or alcohol misuse or dependency (which may include multiple convictions for related offences), applicants will be required to produce evidence that shows that they have been free of drug taking or alcohol

addiction for at least 5 years. To verify this, the Council may require the applicant to undergo a specialist medical examination.

Dishonesty

8.17 Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves in to the care of drivers and expect to be treated fairly and conveyed in a safe manner.

8.18 For these reasons a serious view is taken of any convictions involving dishonesty. In general a period of 3 to 5 years from either the date of conviction if a non-custodial sentence was passed or from the date of release if custody was imposed, will be required before an application is likely to be considered favourably.

8.19 In particular, an application will normally be refused where the applicant has a conviction, less than 3 years prior to the date of the application, for an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Blackmail
- Administration Act 1992
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Taking a vehicle without consent
- Other deception
- Or similar offences to those above or any offence which may replace any of the above offences.

8.20 Between 3 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence produced which demonstrates good character since the date of conviction.

Driving Offences

8.21 Because of the nature of the work licensed drivers will undertake, a serious view will be taken of convictions for driving offences that resulted in loss of life. In particular, an application will normally be refused where the applicant has a conviction, less than 5 years prior to the date of the application for an offence of:

- Causing death by dangerous driving
- Causing death by careless driving, while under the influence of drink or drugs

8.22 An application will normally be refused where the applicant has a conviction, less than 5 years prior to the date of the application, for an offence of:

- Causing death by careless driving
- Causing death by driving while unlicensed, disqualified or uninsured

8.23 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drink-driving or a drug-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

8.24 Convictions for drink-driving or drug-driving without disqualification will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence is likely to merit refusal.

8.25 A drink-driving or drug-driving conviction arising from an offence in the course of hackney carriage or private hire work within the last five years is also likely to merit refusal.

8.26 The provisions included under the heading 'Drugs and alcohol' in respect of substance misuse or dependency will also be taken into account when considering drink-driving or drug-driving offences.

8.27 Further provisions relating to motoring endorsements are provided in the next section of this document.

Taxi and Private Hire related Offences

8.28 One of the main purposes of the licensing regime set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 is to ensure the safety and protection of the public. For this reason a serious view is taken of convictions for offences under these and other related Acts (including illegally plying for hire and touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

8.29 In particular, an applicant will normally be refused a licence where (s)he has been convicted of a relevant offence at any time during the 12 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

8.30 A similar consideration will also be applied to offences under the Disability Discrimination Act 1995 or the Equality Act 2010, where the offence arose in the course of taxi or private hire work.

9. Driving Licence Endorsements

- 9.1 For certain driving offences, either where an individual has been convicted by a court or has admitted the offence by way of a fixed penalty notice, driving licences may be endorsed with details of the offence, and a number of penalty points can be imposed upon the individual's driving licence. Endorsements may indicate a poor driving record and give rise to concerns about the applicant's fitness to hold such a hackney carriage or private hire driver's licence.
- 9.2 Driving licence endorsements may form part of the overall sentence arising from a criminal conviction, which will also be shown on the DBS disclosure. In such circumstances, the following guidelines should be read in conjunction with the appropriate paragraphs of the preceding section.
- 9.3 Endorsements will be checked by requiring an applicant to produce his driving licence to accompany an application, and by way of the verification check detailed in the 'Driving entitlement' section of this document.
- 9.4 All endorsements have a set validity period, and the Council will have regard to this period when determining which endorsements to take into account. The Council will have regard to both individual valid endorsements, and the cumulative total of penalty points from all valid endorsements on the licence.
- 9.5 Endorsements which fall outside of the stated validity period will not generally be taken into consideration, unless they demonstrate a pattern of poor driving.
- 9.6 A full list of endorsable traffic offences, including the corresponding endorsement codes, penalty points and validity periods, is included at Annex A.
- 9.7 On application to renew a licence, if no further endorsements have been received since the previous application was considered; the Council will not consider it

necessary to review previous endorsements. However, in cases where new endorsements have been added, all valid endorsements appearing on the licence at the time of application may be taken into consideration, even if they have been previously considered.

- 9.8 Drivers licensed by the Council are required to notify the Licensing Department within 14 days, in writing, of any endorsements received during the period of the licence. It is open to the Council to reconsider a licence during its validity period if an endorsement would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

Major endorsements

- 9.9 An endorsement which was subject to the award of four or more penalty points shall be regarded, for licensing purposes, as a major endorsement.
- 9.10 All such endorsements will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.
- 9.11 More than one such valid endorsement will generally result in the application being refused.
- 9.12 An endorsement which was subject to the award of ten or more penalty points shall be regarded with particular seriousness, and may constitute grounds for refusal on its own.

Minor endorsements

- 9.13 An endorsement which was subject to the award of three or less penalty points shall be regarded, for licensing purposes, as a minor endorsement.

9.14 A single minor endorsement will not generally prevent an application from proceeding. However, a larger number of minor endorsements, particularly if incurred in a short period of time, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

Cumulative total of Penalty Points

9.15 An application will normally be refused where the applicant has 12 or more penalty points from valid endorsements on his driving licence (whether or not the applicant was convicted by a court for the offences for which penalty points were imposed).

9.16 Applicants with 9 or more penalty points from valid endorsements on their driving licence, or three or more valid endorsements, will generally have their applications referred to the Licensing Regulatory Committee for careful consideration of the facts. If the Committee are not satisfied that the applicant can be considered a fit and proper person by virtue of his endorsements, it shall be open to them to refuse the application.

9.17 Applications from existing drivers for renewal with 9 or more valid endorsements on their licence will be referred to Licensing Regulatory Committee for decision. Members of the Committee will usually be given the option to grant / refuse the licence or to request the applicant takes a re-test of the DVSA driving test before re-licensing is permitted.

9.18 All applicants with 6 to 8 penalty points from valid endorsements on their licence, or two valid endorsements, will generally be required to attend an interview with a licensing officer to review the facts behind the endorsements. It shall be at the Environmental Health Manager's discretion as to whether to refer such applications to the Licensing Regulatory Committee for further consideration of the pertinent facts, or to approve the application. Where applications are approved, it is expected that a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers will also be administered.

Other Traffic Offences

9.19 Penalties for other non-endorsable traffic offences, such as parking penalty notices, obstruction, waiting in a restricted road, etc., that have not resulted in a criminal conviction, will not generally be taken into account when considering an application.

Disqualification

9.20 Where an applicant has been disqualified from driving because of a serious traffic offence, a licence application will generally be refused unless a period of 2 years free of conviction or endorsement has elapsed from the restoration of the driving licence.

9.21 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the driving licence.

9.22 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence. This is because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Annex A – Endorsable Traffic Offences

Accident Offences			
Code	Offence	Penalty points	Validity
AC10	Failing to stop after an accident	5-10	Four years from offence
AC20	Failing to give particulars or to report an accident within 24 hours	5-10	
AC30	Undefined accident offences	4-9	
Disqualified driver			
Code	Offence	Penalty points	Validity
BA10	Driving while disqualified by order of court	6	Four years from offence
BA30	Attempting to drive while disqualified	6	
BA40	Causing death by driving while disqualified	3-11	Four years from the date of the convictions
BA60	Causing serious injury by driving while disqualified	3-11	
Careless driving			
Code	Offence	Penalty points	Validity
CD10	Driving without due care and attention	3-9	Four years from offence
CD20	Driving without reasonable consideration for other road users	3-9	
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9	
CD40	Causing death through careless driving when unfit through drink	3-11	Eleven years from conviction
CD50	Causing death by careless driving when unfit through drugs	3-11	
CD60	Causing death by careless driving with alcohol level above the limit	3-11	
CD70[CD71]	Causing death by careless driving then failing to supply a specimen for [drugs] analysis	3-11	
CD80	Causing death by careless or inconsiderate driving	3-11	Four years from

CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3-11	conviction
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Construction and use offences

Code	Offence	Penalty points	Validity
CU10	Using a vehicle with defective brakes	3	Four years from offence
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3	
CU30	Using a vehicle with defective tyre(s)	3	
CU40	Using a vehicle with defective steering	3	
CU50	Causing or likely to cause danger by reason of load or passengers	3	
CU80	Using a mobile phone while driving a motor vehicle	3	

Reckless/dangerous driving

Code	Offence	Penalty points	Validity
DD10	Driving or attempting to drive with alcohol level above limit	3-11	Four years from conviction
DD40	Dangerous driving	3-11	
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11	
DD80	Causing death by dangerous driving	3-11	
DD90	Furious driving	3-9	

Drink or drugs

Code	Offence	Penalty points	Validity
DR10	Driving or attempting to drive with alcohol level above limit	3-11	Eleven years from conviction
DR20	Driving or attempting to drive while unfit through drink	3-11	

DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11	
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3-11	
DR61	Refusing 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	
DR50	In charge of a vehicle while unfit through drink	10	
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10	
DR70	Failing to provide a specimen for breath test	4	
DG10	Driving or attempting to drive with drug level above the specified limit	3-11	Eleven years from conviction
DG60	Causing death by careless driving with drug level above the limit	3-11	
DR80	Driving or attempting to drive when unfit through drugs	3-11	
DR40	In charge of a vehicle while alcohol level above limit	10	Four years from offence or four years from date of conviction where a disqualification is imposed
DR90	In charge of a vehicle when unfit through drugs	10	Four years from offence
Insurance offences			
Code	Offence	Penalty points	Validity
IN10	Using a vehicle uninsured against third party risks	6-8	Four years from offence
Licence offences			
Code	Offence	Penalty points	Validity
LC20	Driving otherwise than in accordance with a licence	3-6	Four years from

LC30	Driving after making false declaration about fitness when applying for a licence	3-6	offence
LC40	Driving a vehicle having failed to notify a disability	3-6	
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6	
Miscellaneous offences			
Code	Offence	Penalty points	Validity
MS10	Leaving a vehicle in a dangerous position	3	Four years from offence
MS20	Unlawful pillion riding	3	
MS30	Play street offences	2	
MS50	Motor racing on the highway	3	
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3	
MS70	Driving with uncorrected defective eyesight	3	
MS80	Refusing to submit to an eyesight test	3	
MS90	Failure to give information as to identity of driver etc.	6	
Motorway offences			
Code	Offence	Penalty points	Validity
MW10	Contravention of special roads regulations (excluding speed limits)	3	Four years from offence
Pedestrian crossings			
Code	Offence	Penalty points	Validity
PC10	Undefined contravention of pedestrian crossing regulations	3	Four years from offence
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	

Speed limits			
Code	Offence	Penalty points	Validity
SP10	Exceeding goods vehicle speed limits	3-6	Four years from offence
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6	
SP30	Exceeding statutory speed limit on a public road	3-6	
SP40	Exceeding passenger vehicle speed limit	3-6	
SP50	Exceeding speed limit on a motorway	3-6	
Traffic directions and signs			
Code	Offence	Penalty points	Validity
TS10	Failing to comply with traffic light signals	3	Four years from offence
TS20	Failing to comply with double white lines	3	
TS30	Failing to comply with 'Stop' sign	3	
TS40	Failing to comply with direction of a constable/warden	3	
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	
TS60	Failing to comply with a school crossing patrol sign	3	
TS70	Undefined failure to comply with a traffic direction sign	3	
Special Code			
Code	Offence	Penalty points	Validity
TT99	Disqualification under 'totting-up' – if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.	-	Four years from date of conviction
Theft or unauthorised taking			
Code	Offence	Penalty points	Validity
UT50	Aggravated taking of a vehicle	3-11	Four years from offence
'Mutual recognition codes			

MR codes are on a licence if the driver is disqualified while driving in Northern Ireland, Isle of Man or the Republic of Ireland. The disqualification is also valid in Great Britain.

Code	Offence	Validity
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)	Four years from the date of conviction
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road incident (hit or run)	
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver	
MR39	Driving a vehicle faster than the permitted speed	
MR49	Driving a vehicle whilst disqualified	
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence	

Aiding, abetting, counselling or procuring

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your licence if you have helped someone to do this.

Causing or permitting

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Graham Barker

From: Commercial Services
Sent: 10 March 2016 10:50
To: Env Health
Subject: Safeguarding Awareness Consultation - Taxi Trades

Have your say on how we can increase awareness in the safeguarding of children and adults to the taxi trade

We are committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

We want to increase safeguarding awareness across the board and give the taxi trade information and skills to know their responsibilities and what to do if they have any concerns about the safety or welfare of an individual. At the same time we want to introduce a 'knowledge test' that will include safeguarding, disability awareness, local area knowledge and driver responsibilities. Knowledge tests are required by the other taxi and private hire licensing authorities within Cumbria.

Consultation information

We welcome your comments and ask you to consider the following:

- What are the issues or concerns which may arise when transporting children or adults at risk?
- Do you know how to deal with any issues or concerns?
- Have you previously undertaken any safeguarding training? If yes, what did it include?
- Would training, information or awareness on safeguarding be helpful for you?
- Should safeguarding training be compulsory or voluntary? Why?
- How could training be delivered, and in what format, to meet your needs?
- How can the important area of safeguarding be shared with the taxi trade?

Full details of the consultation can be found at: <http://www.barrowbc.gov.uk/news/taxi-trade-safeguarding-awareness-consultation/>

Consultation runs from 10th March 2016 to 7th April 2016

Please send any comments to:

Graham Barker
Principal Environmental Protection & Licensing Officer,
Barrow Borough Council,
Town Hall,
Duke Street,
Barrow-in-Furness,
Cumbria. LA14 2LD

Email: 

Have your say on how we can increase awareness in the safeguarding of children and adults to the taxi trade

Consultation runs from 10th March 2016 to 7th April 2016

Introduction and background

We are committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

Safeguarding is the process of protecting children and adults at risk of harm, preventing impairment to their health and development, which includes keeping them safe from neglect, physical, emotional and sexual abuse.

Taxi drivers spend their time travelling around our borough and are in a unique position to see and report anything they feel concerned about, whether it's a child in the wrong company or an adult who seems vulnerable. We appreciate to be able to do this taxi drivers need to be able to spot the signs and know how to report concerns and they need to be supported by their managers.

We are responsible for licensing the hackney carriage and private hire trades in order to protect the public. The procedures that exist, and the process for obtaining a drivers licence, are therefore targeted at various aspects to ensure that we can be satisfied an individual is 'fit and proper' to hold a licence.

We have rigorous procedures and checks in place for all to adhere to. As the licensing authority we have a duty to ensure that all licence holders are 'fit and proper'.

The independent inquiry into child sexual exploitation in Rotherham (1997-2013) highlighted significant concerns regarding safeguarding controls for taxi and private hire licensing. As a result of the issues raised in the report, we are reviewing the current arrangements within licensing to ensure controls and procedures regarding safeguarding are robust.

Furthermore, changes to the Care Act in 2015 introduced a general duty on local authorities to promote an individual's wellbeing and has put adult safeguarding on a legal footing.

Current process within licensing

All new and renewal driver applicants are subject to a Disclosure & Barring Service (DBS) Enhanced Disclosure upon initial application and every three years thereafter.

If a new or renewal driver applicant has lived out of the UK for a period of 6 months or more within the last 5 years they must provide a Certificate of Good Conduct from either their own Embassy or the Embassies of the countries where they have been resident. (The certificate must be produced with a translation and bear the official seal of the Embassy).

Under the Rehabilitation of Offenders Act (Exceptions) (Amendments) Order 2002, there are listed exceptions in recognition of certain activities for which a fuller disclosure of a person's criminal record history is relevant. Inclusions on the Exceptions Order are made following careful consideration of the risks associated with a particular job or activity. DBS guidance indicates inclusions being 'for taxi driver and private hire vehicle licensing

purposes'. Therefore we require this of drivers and our application forms appropriately reflect this.

- Hackney carriage, private hire drivers are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which appear on the DBS certificate.

This information, along with the application process will be used to determine whether an individual is 'fit and proper' to hold a Hackney Carriage or Private Hire Drivers licence. The disclosure of a criminal record or other relevant information will not necessarily disbar a person from obtaining or holding a licence unless we consider the nature of the information to render an individual unfit.

All licence holders must inform us of any changes in circumstances, such as pending court cases, cautions and convictions as soon possible after any such change.

Whilst each application is considered on its own merit, a person who is found to have (at the time of application for the grant or renewal of a licence or during the period of a licence being valid) convictions detailed within our 'Guidelines Relating to the Relevance of Convictions', will not normally be granted a licence, and in the case of an existing licence holder, may have their licence revoked. If an individual falls within the 'Guidelines', the application will be referred for consideration by our Licensing Regulatory Committee.

Changes

Safeguarding of children, young people and adults at risk is 'everyone's business' and we want to strengthen safeguarding practice and raise awareness and standards in this high profile area. Licensed trades are the critical 'eyes and ears' of the community and often come into contact with people who may be vulnerable.

We want to increase safeguarding awareness across the board and give the taxi trade information and skills to know their responsibilities and what to do if they have any concerns about the safety or welfare of an individual.

At the same time we want to introduce a 'knowledge test' that will include safeguarding, disability awareness, local area knowledge and driver responsibilities. Knowledge tests are required by the other taxi and private hire licensing authorities within Cumbria.

Consultation information

We welcome your comments and ask you to consider the following:

- What are the issues or concerns which may arise when transporting children or adults at risk?
- Do you know how to deal with any issues or concerns?

- Have you previously undertaken any safeguarding training? If yes, what did it include?
- Would training, information or awareness on safeguarding be helpful for you?
- Should safeguarding training be compulsory or voluntary? Why?
- How could training be delivered, and in what format, to meet your needs?
- How can the important area of safeguarding be shared with the taxi trade?

Please provide any further comments or information (see contact details below).

Any comments sent should clearly state your name and any organisation or persons you may be responding on behalf of. It would be helpful if you could give a brief description of any specific interest you have in safeguarding matters (for example you may be involved in children's groups or with adults at risk in some capacity).

Contact Details

Please send your comments to the above by post or email
If you have any questions about this consultation please contact:

Graham Barker
Principal Environmental Protection & Licensing Officer,
Barrow Borough Council,
Town Hall,
Duke Street,
Barrow-in-Furness,
Cumbria. LA14 2LD

Tel No: 01229 876543

Email: 

What happens next

We will review and consider all the comments we receive in order to present a report to the Licensing Regulatory Committee on 12th May 2016 with our recommendations.

Additional information

Research

The importance of the role of licensing in safeguarding children, young people and adults at risk has been highlighted by recent events in Rotherham, Rochdale and Oxford. Many local authorities are reviewing their policies to ensure they can make best use of the powers they have to protect the public. Examples include:

- Lancaster City Council have implemented mandatory safeguarding presentations for all new and existing drivers, free of charge.
- Hackney Carriages and private hire vehicles and private hire operators licensed by Gateshead Council must undertake compulsory safeguarding training.
- Oxford City Council have taken a practical approach by introducing guidance on safeguarding given to drivers along with (for new drivers) questions within the compulsory Knowledge Test on safeguarding.
- Scarborough Borough Council renewed their licensing policy and introduced mandatory safeguarding training for drivers wishing to obtain or renew their licences.
- Peterborough City Council have changed their driver licence conditions and have made completion of a safeguarding course a requirement for all new drivers, prior to submitting an application.