

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 1st September, 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 meeting held on 21st July, 2016 and to note the Minutes of the Licensing Sub-Committee held on 21st July, 2016 (copies attached).

FOR DECISION

- (R) 7. Policy Relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences.

- (D) 8. Application for Removal of a Condition on a Street Trading Consent.
- (D) 9. Environmental Health Manager – Request to Change Delegations.

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

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BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 21st July, 2016
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Seward (Vice-Chairman), Biggins, Maddox, Proffitt, Sweeney and Wall.

Officers Present:- Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer) and Keely Fisher (Democratic Services Officer).

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

37 – Apologies for Absence/Attendance of Substitutes

Apologies for absence were received from Councillors Callister (Chairman) and Councillors Cassells, Derbyshire, Gill and W. McClure.

Councillor Sweeney had replaced Councillor Callister for this meeting only.

38 – Minutes

The minutes of the meeting held on 30th June, 2016 and the Special meeting held on 5th, 6th and 7th July, 2016 were taken as read and confirmed.

39 – Annual Review of the Hackney Carriage Tariff

The Principal Environmental Protection and Licensing Officer reported that a review of the Hackney Carriage Tariff (Table of Fares) had been completed. A new methodology had been used to determine any increase in fares had been completed and a direct comparison undertaken against the national average and local fares. The Hackney Carriage trade had been consulted on the findings.

The report sought Members approval of the methodology for future annual reviews and to approve no increase in tariff for 2016/17.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provided that a district council may fix the rates or fares within the district as well for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (a "table of fares") made or varied in accordance with the provisions of this section. This section applied only to Hackney Carriage vehicles.

At its meeting of the, 21st June, 2012, the Licensing Committee, approved an increase in the Hackney Carriage Fare and resolved that these fares would be

reviewed annually. Historically, this review has been instigated by the Hackney Carriage trade however, a review had not taken place since 2012.

At the last Taxi Liaison meeting, the Reporting Officer had assured the Hackney Carriage representatives that a review of the Hackney Carriage Fares (Tariff), would take place this financial year.

Previous reviews had compared any proposed increase in fares with the fares of neighbouring local authorities. The new methodology, used to determine any percentage increase, calculated the real costs of running a Hackney Carriage, and compared that to the national average.

The retail price index (RPI) in relation to transport costs and wages would be used to demonstrate 'how much' owning and running a vehicle had gone up/down (known as the variance), since the last review in 2012. The following cost areas would be reviewed individually, and used to calculate a % increase/decrease:

The costs of:

- Purchase of Vehicle
- Vehicle Maintenance
- Petrol & Oil
- Tax & Insurance
- Wages
- Licensing Fees Cost

The Hackney Carriage trade had been consulted on this method but more importantly, the "weighting" that was applied to each of the above costs. i.e. how important or significant, the trade thought the costs in each of the areas affected them.

The consultation email was attached as an appendix to the report and a summary of the responses were also reproduced in the Officer's report.

As a result of the review, the Secretary of the Furness Taxi Trade Association had responded:

"Having spoken to a number of drivers over the weekend the feedback seems to be that fares should remain unchanged. It was pointed out that a ten pence increase on the start rate would not be justified because of the cost of adjusting the meter; some drivers would have to travel out of town depending on the type of meter.

Obviously there will be a review next year and perhaps things may have changed by then.

Hope this helps".

The overall increase in costs, since the last review, associated with running a Hackney Carriage was 5.68%. A table showing the individually calculated variances and percentage increase was attached as an appendix to the Officer's report.

This small increase equated to approximately £0.10 on the starting price (Flag on the Normal Tariff) raising it to £2.50. This would automatically increase the starting price for:-

- T2 (hirings begun between midnight and 7.00 a.m.) to £3.75 and
- T3 (hirings on all bank holidays, Christmas Eve and New Years Eve) to £5.00

The current Table of Fares was as follows:-

<u>Normal Fare (7am until midnight)</u>	
If the distance does not exceed 805 metres (5/10 mile) for the whole distance	£2.40
If the distance exceeds 805 metres (5/10 mile) for each subsequent 161 metres (1/10 of a mile) or uncompleted part	£0.20
Waiting time – for each 30 seconds	£0.10
<u>For hirings begun between midnight and 7.00 a.m.</u>	
If the distance does not exceed 805 metres (5/10 mile) for the whole distance	£3.60
If the distance exceeds 805 metres (5/10 mile) for each subsequent 161 metres (1/10 of a mile) or uncompleted part	£0.30
Waiting time – for each 30 seconds	£0.15
<u>For hirings on all bank holidays, Christmas Eve and New Years Eve</u>	
If the distance does not exceed 805 metres (5/10 mile) for the whole distance	£4.80
If the distance exceeds 805 metres (5/10 mile) for each subsequent 161 metres (1/10 of a mile) or uncompleted part	£0.40
Waiting time for each 30 seconds	£0.20
Soiling charge - £10 outside/maximum £100 inside	
Payment of estimate may be required as deposit at start of journey	
Extra charge of £0.20 per person over two people.	

For direct comparison, the following table below showed the fares for neighbouring Councils and the National and Northern averages. Barrow Borough Council fares were comparable with the average of neighbours and between the Northern and National Averages for a 2 mile journey during the day.

	National Average Fare	North Average Fare	Barrow BC	Allerdale	Copeland	Lancaster	Eden	Carlisle	South Lakeland
Flag at T1	£2.76	£2.46	£2.40						
Flag at T2	£3.63	£3.05	£3.60						
1 mile fare T1	£3.82	£3.52	£3.40						
1 mile fare T2	£5.02	£4.37	£5.10						
2 mile fare T1	£5.68	£5.23	£5.40	£4.85	£5.00	£5.40	£5.50	£5.65	£6.40
2 mile fare T2	£7.45	£6.55	£8.10						

Flag – the starting fare

T1 – Normal Tariff

T2 – Midnight to 7am Tariff

National & Northern averages were published in Private Hire & Taxi Monthly (January 2016).

Barrow Borough Council fares (2 mile fare at T1) were ranked between 230 and 253 (along with 23 other Local Authorities) out of 365, nationally.

Officers would continue to work with the Hackney Carriage trade to review the differential between the starting rates with those of the Private Hire trade and the rate per $\frac{1}{10}$ of a mile.

The previous increase in 2012 saw a rise of 21.4% on the 1 mile fare and 17.4% on the 2 mile fare.

RESOLVED:-

- (a) That the methodology used to determine any future increase in Hackney Carriage fares be approved; and
- (b) That no increase in tariff for 2016/17 be agreed.

The meeting closed at 2.25 p.m.

LICENSING SUB-COMMITTEE

Meeting: Thursday 21st July, 2016
at 11.00 a.m.

PRESENT:- Councillors Gill, Maddox and Seward.

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

Others:- Paul O'Donnell (Local Authority Retained Solicitor from Brown Barron) and PC Caroline Kendall

6 – Appointment of Chairman for this meeting only

In the absence of the Chairman, nominations were requested for the appointment of Chairman for this meeting only.

Councillor Maddox moved that Councillor Seward be appointed as Chairman for this meeting only. It was duly seconded and it was

RESOLVED:- That Councillor Seward be appointed Chairman for this meeting only.

COUNCILLOR SEWARD IN THE CHAIR

7 – Minutes

The Minutes of the Licensing Sub-Committee held on 16th May, 2016 were taken as read and confirmed.

8 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were submitted from Councillors Callister and W. McClure.

Councillors Gill and Maddox had replaced Councillors W. McClure and Callister respectively for this meeting only.

9 – Application for a Premises Licence – Walney Central ARLFC

The Senior Licensing Officer's report set out details of an application for a premises licence from Walney Central ARLFC ("The Applicant"), Central Drive, Walney, LA14 3HY. Relevant objections had been received from residents living in close proximity of the premises, therefore required consideration and determination by the Sub-Committee in accordance with the scheme of delegation.

The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment were licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, was required in order to carry on any of these activities at premises within the borough.

The Act provided several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, required a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.

The Licensing Authority was contacted on 23rd May 2016 by the Applicant requesting information regarding an application for a premises licence for Walney Central ARLC, Central Drive, Walney. A meeting was arranged for 25th May 2016 between the Applicant, Senior Licensing Officer and Police Licensing Officer. The purpose of the meeting was to offer support and guidance in relation to the application for a premises licence and discuss the measures that would need to be implemented to meet the high standards expected from licensed premises in the Borough and satisfy the four licensing objectives:-

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; and
4. Protection of children from harm

On 26th May 2016 an application was made to the Licensing Authority by Walney Central ARLFC, Central Drive, Walney for a Premises Licence to include the provision of regulated entertainment and the sale of alcohol both indoors and outdoors at the above mentioned premises.

The Applicant had applied to provide regulated entertainment which included:

- Plays;
- Films;
- indoor sporting events;
- boxing or wrestling entertainments;
- live and recorded music;
- performances of dance;
- provision of facilities for making music;
- provision of facilities for dancing; and
- late night refreshment and the sale of alcohol both indoors and outdoors Monday to Sunday 10.00am - 1.00am.

Notice of application has been given by the Applicant through service of a copy of the application on specified 'responsible authorities'. The Applicant was also

required to give public notice of the application, by displaying a statutory notice on the premises for a 28 day period; the notice had also been published in the local newspaper.

A copy of the full application was attached as an appendix to the Officer's report for Members' information.

The Council had consulted with the following Responsible Authorities:-

- Licensing Authority;
- The Local Planning Authority;
- Environmental Protection Team;
- Chief Officer of Police;
- Health and Safety Officer;
- Divisional Officer, Cumbria Fire and Rescue;
- Trading Standards;
- Public Health; and
- Safeguarding and Review, Child Protection.

The Senior Environmental Protection Officer, on behalf of the Environmental Protection Team, liaised with the Applicant and agreed that the following conditions be added to the licence to satisfy their obligation to protect public nuisance:-

1. Regulated Entertainment #OUTDOORS# to be limited to 4 occasions per calendar year.
2. Noise from Regulated Entertainment #OUTDOORS# shall be inaudible at a noise sensitive location between 23:00hrs and 10:00hrs the following day.
3. The noise level LAeq, from Regulated Entertainment #OUTDOORS#, measured for any 10 minute period at 1m from the facade of a noise sensitive location, during the event, shall not exceed the background noise level (LA90) by more than 15dB(A). No noise sensitive premises shall be exposed to an LAeq 10 minute of more than 60dB(A).
4. Prior to any Regulated Entertainment #OUTDOORS# the background noise level LA90 shall be measured for any 10 minute period, when no event is going on, but under similar conditions that will prevail. (i.e. the same time and day of the week)

The Senior Environmental Health Officer attended the meeting to explain the conditions imposed by Environmental Protection.

At the time of writing the report, the Council had not received representations from any other Responsible Authorities. However, the Local Planning Authority submitted representations on 21st July, 2016 which included a copy of Planning Consent for the Club dated 16th December, 2016.

Relevant objections to the granting of the licence had been received from residents living in close proximity of the premises.

The objections received raised concerns over the Applicant's ability to promote the licensing objectives.

A resident of Central Drive was representing 4 other residents who had signed his letter of objection and attended the meeting and made representations.

A further resident of Central Drive had submitted a representation regarding the promotion of licensing objectives. She later withdrew her objections. The Licensing Authority had since received a further letter dated 19th July, 2016 which reinstated her initial objections. The Objector attended the meeting and addressed the Sub-Committee.

Copies of the letters and representations received from residents were attached as appendices to the Officer's report.

The Reporting Officer had acted as mediator between the Applicant and Objectors to try and agree on terms that would satisfy all parties concerned.

A letter sent to residents from The Applicant outlining their intentions for the use of the premises was attached as an appendix to the report.

Following the representations being received the Applicant had reviewed their application and reduced the hours of licensable activities from 01.00am to 11.00pm Monday – Sunday. However this amendment to the application had not resolved all residents' concerns.

An email exchange between the Reporting Officer and Applicant confirming the reduction in hours was attached as an appendix to the report.

The Senior Licensing Officer informed the Sub-Committee that they must ensure that all licensing decisions had a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it was applied so rigidly that an exercise of discretion in each individual case was precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.

The Applicant had set out in the Operating Schedule of the application what measures would be put in place to promote each of the licensing objectives (Proposed Condition).

Where it was felt the measure proposed by the Applicant could be improved, the Reporting Officer had amended the condition accordingly, to ensure it could be

managed by the Applicant, proportionate to the type of premises in promoting the licensing objectives and enforceable.

The proposed measures contained in the operating schedule along with the condition recommended by the Reporting Officer were set out in the report. The Senior Licensing Officer read out the list of amended proposed conditions.

The provisions of chapter 10 of the statutory guidance highlighted that only precise, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as were necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions were not considered to be appropriate.

All parties with the exception of Councillors, Paul O'Donnell (Legal Representative), Jane Holden (Acting Principal Legal Officer) and Keely Fisher (Democratic Services Officer) withdrew and were readmitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Premises Licence for Walney Central ARLFC be granted subject to:-

- (i) Conditions which are consistent with the Operating schedule, modified to such an extent as the Licensing Authority considers necessary for the promotion of the licensing objectives, including the additional conditions approved between Environmental Protection and the Applicant.

The modified conditions in relation to each of the licensing objectives were as follows:-

Prevention of crime and disorder

1. No person in possession of an alcoholic drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
2. No drink shall be removed from the premises in an unsealed container.
3. The licence holder or designated premises supervisor will risk assess the need for Security Industry Authority (SIA) accredited door staff should a function necessitate their presence. i.e. 18th /21st Birthday parties. If such a decision is made then details of those individuals employed including Name, DOB, SIA number and hours of duty should be documented along with any incidents they deal with that shift.

4. A drugs policy will be developed in conjunction with the police licensing officer and enforced throughout the premises.

Public safety

1. Before admission of the public is permitted, a nominated person or DPS will conduct a safety check of the licensable area and report any issues to the premises licence holder.
2. An incident book will be maintained when a licensable activity is being conducted at the premises in which shall be recorded:
 - All incidents of Crime and Disorder
 - Any sale refusals to suspected underage drinkers/drunken individuals
 - Any person refused admission or asked to leave the premises
 - Any occasion where police are called to the premises
 - Any incident involving the misuse or recovery of drugs

This book should be available for Police and the licensing authority to view to any time.

3. All outdoor/special event days will be planned in advance by the rugby club committee and the DPS.
4. An event plan will be submitted to the Licensing Authority at least 4 weeks before an event day which will outline further measures to be implemented during these events, including traffic management, admissions/capacity levels, stewarding requirements, a plan of set-up/lay out and include contingency measures.

Prevention of public nuisance

1. Bins will be provided in outdoor areas.
2. Notices will be displayed requesting the public to be respectful of local residents by keeping noise levels to a minimum when leaving the premises.
3. There shall be available on display telephone details of local taxi firms to allow quiet dispersal of guests leaving the premises.
4. Regular checks of noise pollution to be carried out by DPS or appointed person, these checks will be noted in the incident book.
5. Regulated Entertainment #OUTDOORS# to be limited to 4 occasions per calendar year.

6. Noise from Regulated Entertainment #OUTDOORS# shall be inaudible at a noise sensitive location between 23:00hrs and 10:00hrs the following day.
7. The noise level LAeq, from Regulated Entertainment #OUTDOORS#, measured for any 10 minute period at 1m from the facade of a noise sensitive location, during the event, shall not exceed the background noise level (LA90) by more than 15dB(A). No noise sensitive premises shall be exposed to an LAeq 10 minute of more than 60dB(A)
8. Prior to any Regulated Entertainment #OUTDOORS# the background noise level LA90 shall be measured for any 10 minute period, when no event is going on, but under similar conditions that will prevail. (i.e. the same time and day of the week.)

Protection of children from harm

1. Children under the age of 16 must be accompanied by a responsible adult when licensable activities are taking place on the premises.
2. Gaming machines on the premises will be sited in line with the gambling commissions' code of conduct, ensuring vulnerable persons and children do not gain access to such machines.
3. Appointed child welfare protection officers trained under the RFL appointed scheme advertised and available for assistance at all times.
4. All staff involved in the sale of alcohol should be trained in relation to the licensing objectives (this should include, service refusal skills, recognising drunkenness, dealing with incidents involving drugs) Training should be conducted at least every six months and records kept to provide an auditable trail. Such documents should be available for inspection to the Police and the Licensing Authority upon request.
 - (ii) Applicable mandatory conditions which are attached to all premises licensed for on and off sales of alcohol be attached to the licence; and
 - (iii) That the licensable operating hours will be 8:00am – 11:00pm daily (including Sundays and Public Holidays).

The meeting closed at 12.28 p.m.

LICENSING REGULATORY COMMITTEE	(R) Agenda Item 7
Date of Meeting: 1st September, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: Policy Relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences</p> <p>Report Summary:</p> <p>Following a review of the current Council guidelines on the fitness of applicants for hackney carriage and private hire drivers licences, Officers developed a new draft policy which was presented to Members at the Committee Meeting on 30th June 2016. At that meeting Members approved a public consultation of the new draft 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> <p>For noting:</p> <p>That Members note the following information:</p> <p>The Draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and the results from the consultation will be reported to Executive Committee on 7th September 2016 for consideration, before being forwarded to Full Council, with any proposals, for adoption.</p>	

1. Introduction

- 1.1. 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.
- 1.2. 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, therefore the Council has guidelines in place to aid the decision making process.

- 1.3. Following a review of the Council's current guidelines on the fitness of applicants for a drivers licence, Officers developed a new draft Policy. 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.
- 1.4. At a meeting of the Licensing Regulatory Committee on the 30th June 2016, Members approved a public consultation of a new Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy. The consultation was carried out between the 1st and 30th July 2016, via the Councils website and directly with the current licenced drivers via email, if those details were held. The consultation was also publicised on the Furness Taxi Trade Association Facebook page and in a news article published in the North West Evening Mail (2nd July 2016):
<http://www.nwemail.co.uk/news/barrow/Barrow-cabbies-face-geography-tests-in-licensing-shake-up-1d7efa51-f22b-4d75-82ea-a899e9539ddd-ds>
- 1.5. A copy of the draft policy is attached at **Appendix 1** and includes the amendments made by Members prior to the consultation.
- 1.6. The draft policy will be the basis on which all driver 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.
- 1.7. 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 made and full reasons for the decision. Those making the decision should be aware that departing from the Policy without sufficient reason, or failing to give consideration to such circumstances, may give rise to a judicial review of the decision.
- 1.8. Members should note that Officers have 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. The draft policy includes a new training requirement, and it is this element that has been the focus of the responses.

2. Consultation Responses

- 2.1. The Licensing Authority has received five responses, these are attached in full at **Appendix 2**, and are summarised below:
 1. Letter received from an Ex-taxi Driver (Received: 14th July 2016):

I hear on the Taxi-grapevine you want to send drivers (at a Cost no doubt) to test their Knowledge and how to be nice to passengers, you lot should be more interested in saving Drivers and Passengers Lives!

The remainder of the letter refers to driver working hours, medical history and smoking.

2. Email received from a Licenced Hackney Driver and Vehicle Proprietor (Received: 20th July 2016):

I personally would like to endorse the testing of all new drivers in the borough, as this would be beneficial to the public in general.

With regards to the testing of existing drivers, I do feel this would be a waste of time, resources and money. The drivers who have been doing the job for a number of years, have already learnt on the job how to look after the disabled and elderly. They have had to take care of their vehicle and keep its standard up for inspection and testing. These things are standard practise for the existing driver and while I think the application process could be improved, I would suggest that existing drivers be left out of any changes.

Kind regards

3. Email received from a Licenced Hackney Driver and Vehicle Proprietor (Received: 20th July 2016):

Just a response to the points raised. Regarding drivers taxi test. Knowledge test etc. Having discussed with fellow cabbies on these matters. And from a personal note. Having been an owner hackney driver for the last 38 years. And having been through a dedicated taxi drivers nvq. And having gained a wealth of experience in said trade in am one many in that agree that whilst we welcome dedicated courses to help us in our trade in this modern world. We. I feel that I don't see why we should have to pay to prove that I can do my job via a knowledge test etc. after doing it for so many years of hopefully in providing an acceptable service to date. I welcome the idea that new applications could be dealt with in the new proposals mentioned by the council. And thus hopefully make the trade seen better in the eyes of the public. And also just to mention I would welcome a better way of policing the drivers in respect as other trades random checks involving drink drugs testing as done by stagecoach on drivers (just a personal note).

4. Email received from Licenced Private Hire & Hackney Driver and Vehicle Proprietor (Received: 23rd July 2016):

I just wish to say that I think the idea of a kind of knowledge test is a good idea and should have been introduced a long time ago.

Regards

5. Email received from the Secretary of the Furness Taxi Trade Association (Received: 24th July 2016)

In response to the consultation, although the trade welcomes the proposal in general, there are some strong feelings against existing drivers having to take the knowledge test. We put a survey on the trade Facebook page to gauge opinion on this and eighty-four members responded against it. As you know the trade here in Barrow is usually overwhelmingly apathetic so this level of response is unprecedented. The support for the proposal was the total of four members of which one was licenced by South Lakes Council. Below I have copied the survey and some of the relevant responses received. I hope this is of help in making you aware of the feeling against existing drivers taking the test.

The remainder of the email contains the Facebook comments, the majority of which relate to a discussion on Hackney plates and Taxi ranks. For information this private Facebook page has over 300 members.

- 2.2. To summarise, it is clear that those responding to the consultation have focused on the new requirement to undertake training and the potential cost of this. Members will note that with the exception of the Safeguarding Awareness sessions and the Knowledge Test, the remainder of the draft policy amalgamates the Council's current application criteria and guidance.
- 2.3. For clarification on some of the additional points raised:
 - a) Private hire and Hackney carriage drivers are exempt from the European working time directive, which would limit them to working a 48-hour week with a 20-minute break every six hours.
 - b) All drivers have to undertake a DVLA Group 2 Medical (this is the same level as that required to be a HGV Driver) on application and on their 50th, 56th, 59th, 62nd, 65th Birthdays and each year thereafter.
 - c) Officers are pro-actively enforcing the Smoke free legislation, through issuing Fixed Penalty Notices, to drivers who have been observed smoking in their licenced vehicles.
- 2.4. Having taken the consultation responses into account, it is the Reporting Officer's view that in order to continually improve driver standards, knowledge and awareness, all new **and existing** drivers should be required to pass the Knowledge Test and take part in the Safeguarding awareness sessions.
- 2.5. The Safeguarding Awareness Sessions will have to be undertaken by all applicants/drivers (new or existing) within 12 months of the introduction of the new policy. Failure to attend may result in suspension/revocation or refusal to renew the relevant drivers licence. The sessions will be free of charge for the first 12 months from the date of the policy. After that a charge for the sessions will be made and this will be recovered through the licence as part of the fee setting process.

- 2.6. The written Knowledge Test will have to be undertaken and passed by all new applicants as part of the application procedure. All existing drivers will also be expected to take and pass the test before the renewal of their drivers licence. Failure to undertake and pass the test may result in refusal to renew the appropriate licence. Officers consider that the cost for the tests will be reasonable and they will be set as part of the annual fee setting process later this year. However it is possible to give an indication of approximate costs for Member's information today as follows.
- 2.7. For new applicants, the cost is likely to be approximately £12. This is based on the likelihood of tests being taken on a one-to-one basis with Officers due to the relatively low number of new applications. For existing drivers making a renewal application, the cost is likely to be around £0.50 per licence. This is based on the likelihood of tests being undertaken in group sessions.

3. Options

Not applicable to this report.

Report is for information purposes only.

4. Recommendation

Not applicable to this report.

Report is for information purposes only.

5. Reasons for Recommendation

Not applicable to this report.

Report is for information purposes only.

6. 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

There will be minimal cost to existing drivers for undertaking the Knowledge Test prior to renewal. For new applicants, the cost will be incorporated into the application fee for the 2016/17 Fees and Charges.

(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 another's' 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.

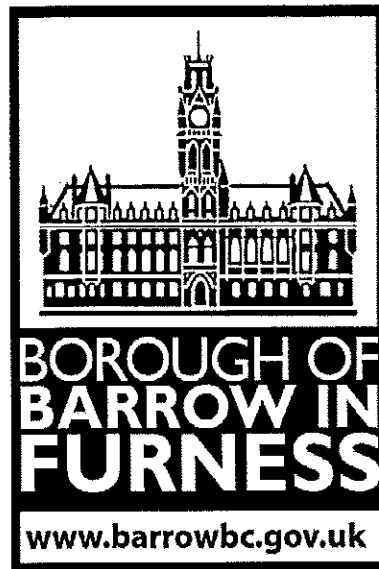
(vii) Health and Well-being Implications

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

Licensing Regulatory Committee Report. Agenda Item 8 - 30th June 2016

Minutes of the Licensing Regulatory Committee - 30th June 2016



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

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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 applicants 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.

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.

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/ataglance.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 and any individual who has a protected characteristic under the Equality Act 2010 (or as Amended).

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
<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 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 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 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 • 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>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>	<p>(The Council must also undertake employment checks with UKBA in this situation).</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.

DRAFT

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	
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.

DRAFT

APPENDIX No. 2

I am an ex-taxi driver and I have to say you lot are a feckin Joke! I hear on the Taxi-grapevine you want to send drivers (at a Cost no doubt) ^{to test} their Knowledge and how to be nice to passengers, you lot should be more interested in saving Drivers & Passengers Lives! I spend 3-4 months away and every time I come home all I hear is, they have you heard Dave Tom etc have had Heart Attacks ~~smashed~~ smashed into a wall ~~got~~ got lung Cancer etc etc etc etc etc etc etc. This happens because you set up silly courses not courses that could save LIVES, drivers & one day a driver on his 17th Hour Will Kill someone.

Why not set up a course with a nurse who can tell them working Very long hours will lead to heart problems circulation problems and endanger themselves & passengers and anyone caught Smoking will be fined - £1000 because they are Killing themselves & passengers.

This Kind of course would save LIVES how can a person smoke in a TINY SPACE and go to Greengate infants and pick up little Kids "it amazes me how they can do this and pick up a Zam after coming on shift at 7am but you dont feckin give a dam for H & Safety just stupid courses that make you a bit of nancy?"

Red Scab

~~Red~~

~~Black~~ VW
Silver
~~Blue~~ Peugeot
~~White~~

~~Black~~

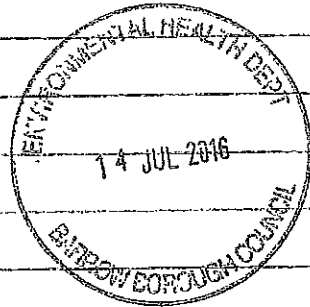
~~Black~~

} never without a fog

etc etc etc etc etc etc etc etc etc

when I'm home I never see them without a fog in
mouth (why dont you see anything)

anyway I'm off for 3 months in the Sun I'll see how many
have had strokes HAttacks & have lung cancer when I get
back check for new ^{PS} maybe you allow all this so it
keeps cancer numbers down hey he just a thought



Graham Barker

From: [REDACTED]
Sent: 23 July 2016 09:20
To: Graham Barker
Subject: Re: Consultation with Drivers and Operators

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mr.
Barker.

I just wish to say that I think the idea of a kind of knowledge test is a good idea and should have been introduced a long time ago.

Regards [REDACTED]

On 1 July 2016 at 15:34, Graham Barker [REDACTED] wrote:

We welcome your comments on our draft new Fitness of Applicants for Hackney Carriage and Private Hire Drivers Licences Policy.

This policy is an amalgamation of the guidance we currently use to assess if a driver is a fit and proper person to hold a licence, and includes a new training requirement.

The policy can be downloaded from the link below or viewed at the Council Offices between 1st and 30th July 2016

<http://www.barrowbc.gov.uk/news/consultation-on-the-draft-fitness-of-applicants/>

The consultation closes on the 30th July 2016

Graham Barker
Principal Environmental Protection & Licensing Officer
Environmental Health Dept

Graham Barker

From: Jennifer Curtis
Sent: 21 July 2016 08:59
To: Graham Barker
Subject: Consultation response

For your attention.

From: [REDACTED]
Sent: 20 July 2016 20:31
To: Jennifer Curtis
Subject: Re-taxi agenda last...

Just a response to the points raised. Regarding drivers taxi test . Knowledge test ect . Having discussed with fellow cabbies on these matters. And from a personal note . Having been a owner hackney driver for the last 38 years . And having been through a dedicated taxi drivers nvq . And having gained a wealth of experience in said trade in am one many in that agree that whilst we welcome dedicated courses to help us in our trade in this modern world . We . I feel that I don't see why we should have to pay to prove that I can do my job via a knowledge test ect after doing it for so many years of hopefully in providing a acceptable sevice to date . I welcome the idea that new applications could be dealt with in the new proposals mentioned by the council. And thus hopefully make the trade seen better in the eyes of the public . And also just to mention i would welcome a better way of policing the drivers in respect as other trades random checks involving drink drugs testing as done by stagecoach on drivers (just a personal note)

[REDACTED]

Sent from my Samsung Galaxy smartphone.

Graham Barker

From: [REDACTED]
Sent: 20 July 2016 16:34
To: Commercial Services
Subject: Public Consultation on the Fitness of Applicants for Hackney Carriage & Private Hire Drivers Licences Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, I am writing with regard to the subject matter.

I personally would like to endorse the testing of all new drivers in the borough, as this would be beneficial to the public in general.

With regards to the testing of existing drivers, I do feel this would be a waste of time, resources and money. The drivers who have been doing the job for a number of years, have already learnt on the job how to look after the disabled and elderly. They have had to take care of their vehicle and keep its standard up for inspection and testing. These things are standard practise for the existing driver and while I think the application process could be improved, I would suggest that existing drivers be left out of any changes.

Kind regards,

[REDACTED]

Graham Barker

From: [REDACTED]
Sent: 24 July 2016 18:50
To: Commercial Services; Graham Barker; Jennifer Curtis
Subject: Consultation Response

Hi All

In response to the consultation, although the trade welcomes the proposal in general, there are some strong feelings against existing drivers having to take the knowledge test. We put a survey on the trade facebook page to gauge opinion on this and eighty-four members responded against it. As you know the trade here in Barrow is usually overwhelmingly apathetic so this level of response is unprecedented. The support for the proposal was the total of four members of which one was licenced by South Lakes Council. Below I have copied the survey and some of the relevant responses received. I hope this is of help in making you aware of the feeling against existing drivers taking the test.

" Anyone who has read the draft policy from licensing might have missed the bit about existing drivers having to pass the knowledge test as well as new drivers. The test will have parts on local knowledge,highway code, arithmetic,licensing conditions and driver responsibilities etc. We should be thinking about objecting to this before we are railroaded into a test that is not needed for existing drivers. The best laugh is that we will also have to pay for it through increased license fees! Let them know what you think, ring them e-mail them write them and click on the poll below which will be used to show that we either want this or we don't."

-
-
-
-

• +80

()

Only new drivers should take the test.

-

• +3

()

Yes we want all drivers new and existing to take the test.

Like Show More Reactions

Comment

[REDACTED] in most transport cases, existing individuals have been allowed 'grandfather rights', i would like to encourage this to happen in this case or it could possibly render an individual unemployed if a fail was achieved,, the council could possibly be taken to court for unfair dismissal even though the driver is self employed, it would be the council that has forced the position on the person concerned.. 'food for thought' !!

Unlike · Reply · 4 · 7 July at 20:12

[REDACTED] Do feel a lot that as a seasoned owner driver of 38 years . I think now I've hopefully have proved my worth as a driver and knowledge within my trade . I warmly welcome new guidance towards helping me and others do my job in the modern world . But I don't see why I have to now pay to prove I can do my job after all these years .

[REDACTED] Grandfathers rights should apply to all existing drivers

Any new drivers should do the test

Unlike · Reply · 4 · 8 July at 20:49

[REDACTED] I think the test should be for all. Those coming into the trade should definitely have it and those already in should know where they are going so it wouldn't be a problem. If there is to be a cost, it should not apply to existing drivers.

[REDACTED] I don't agree with everyone having a vote when they haven't got barrow plates when it comes to south lakes plates I wouldn't have thing to say as its nothing to do with me, are the 300 members got plates from barrow? Not having a go at the people that go and represent but what have they achieved town hall have give them nothing, town hall want them to do a test on Highway Code but has them picking up on an illegal rang which is a breach of the Highway Code, let's hope no taxi driver ever loses his plates and job, every driver paid £60 on a umet survey that's said there was demand for a rank in cavendish st

Like · Reply · 10 July at 12:54 · Edited



[REDACTED] The rank on Cav St was passed, along with a daytime rank on Crellin St. Because the th decided to not push the item with highways (they needed the drivers to push it more but they never), they pulled funding. Most of the South Lakes laws will filter down to Barrow, as will those from Carlisle and Lancaster. These are the areas the licensing has been to visit and they are taking their ideas from there. There are also laws restricting the opening of taxi/ph offices within a certain distance of a rank but licensing tend to ignore what doesn't benefit them. The unmet demand survey is there to keep a cap on the amount of hackney plates issued in the borough. Without it, the plates become 'open' and the town will have far more hackneys than now as nobody will bother getting ph. As for the vote, Bobb is just asking an opinion and we all have them. There are some drivers, who are badged for Barrow at present, who still have no real idea where they are going. In these cases, a knowledge test wod be useful being implemented for all. I don't, however, agree that it should be of a cost to the badge holders.

Like · Reply · 10 July at 13:13



[REDACTED] Might of been passed but where is the rank? The drivers don't have say that's why people don't go to the meetings nothing has change in years but badges went up by £100! I don't think other boroughes are interested in whats happening here as I not interested in there's, when did the town hall try to stop the opening of Hackney plates another con.

Like · Reply · 10 July at 13:29

[REDACTED] The problem being is that as usual the majority that are willing are owner drivers . But this time the drivers fraternity need to be aware that this involves each driver . And they will have to pay themselves. This will be not be down to the firms that they rent from . This time involment from every driver is required . But as usual the lack lustre majority will prevale.

Unlike · Reply · 3 · 10 July at 11:10 ·

[REDACTED] This test is on drivers with a ph badge or hac , not a plate . I for one is glad that some things town hall is doing is helping the trade and not letting people float in and out of the trade as they like but also town hall will try to bring in things which we should make a stand for but that doesn't seem to be happening . Same drivers piping up all time not happy and do nowt . There is very few new drivers coming into the job now due to rules and plates getting taken off cars so if you want to stick around in the job , grow a pair !

Unlike · Reply · 7 · 10 July at 21:01



[REDACTED] Badge plate all the same thing the town hall have done nothing to help the trade, what's going to happen to the unfortunate driver that has an accident on cavendish st picking up on an unofficial rank? It's not about growing a pair what has been achieved at your town hall meetings nothing's change for years and you know it bob just everything seems to be about more money off drivers. This is why drivers don't bother turning up to these meetings.

Like · Reply · 10 July at 22:30 · Edited

[REDACTED] This test is on drivers with a ph badge or hac , not a plate . I for one is glad that some things town hall is doing is helping the trade and not letting people float in and out of the trade as they like but also town hall will try to bring in things which we should make a stand for but that doesn't seem to be happening . Same drivers piping up all time not happy and do nowt . There is very few new drivers coming into the job now due to rules and plates getting taken off cars so if you want to stick around in the job , grow a pair !

Unlike · Reply · 7 · 10 July at 21:01



[REDACTED] Badge plate all the same thing the town hall have done nothing to help the trade, what's going to happen to the unfortunate driver that has an accident on cavendish st picking up on an unofficial rank? It's not about growing a pair what has been achieved at your town hall meetings nothing's change for years and you know it bob just everything seems to be about more money off drivers. This is why drivers don't bother turning up to these meetings.

Like · Reply · 10 July at 22:30 ·

Regards
Bob Mullen
Secretary
Furness Taxi Trade Association

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 8
Date of Meeting: 1st September, 2016	
Reporting Officer: Principal Environmental Protection & Licensing Officer	
<p>Title: Application for Removal of a Condition on a Street Trading Consent</p> <p>Summary: The Licensing Authority has received an application for a street trading consent for a stationary mobile catering unit, to be sited at Unit 17, Meeting Industrial Estate, Park Road, Barrow in Furness.</p> <p>If Members decide to grant this application they will have to remove a condition on the consent which restricts the time in which street traders can remain in a particular area.</p>	

1. Purpose of Report

The Licensing Authority has received an application for a street trading consent from Mr Joseph Elliot.

Mr Elliot's application is for a stationary catering van to be sited at Unit 17, Meeting Industrial Estate, Park Road. It is his intention to sell hot food, hot drinks, cold drinks and snacks Monday to Friday 8am-2.30pm and Saturdays 10.00am to 2.00pm.

Such stationary trading contravenes a condition attached to street trading consents; therefore the removal of this condition is required if Members decide to grant the consent.

A copy of the map showing the area in which Mr Elliot has applied to trade is attached at **Appendix 3**.

2. Background

Barrow Borough Council operates a consent scheme for street trading. Trading within the Borough is prohibited without obtaining the consent of the Council.

Consents are issued subject to a set of standard conditions and can be granted for a period not exceeding 12 months. Mr Elliot has applied for a 12 month Street Trading Consent.

Consents are renewable on the expiry of the licence period, unless a trader ceases to exist trading.

Upon application in writing to the Council, as required by Paragraph 7 of Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982, the Council may grant consent and may attach such conditions to it as they consider reasonably necessary. These conditions are attached to this report at **Appendix 4**.

Condition number 12 states that:

"The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day."

Therefore Members' approval is required to remove this condition from the street trading consent if they decide to grant consent for this application.

3. Representations

As part of the application procedure the Licensing Authority consults with the Planning Department, Trading Standards, Cumbria Constabulary and Cumbria Highways.

At the time of writing the report no representations have been received from consultees.

Mr Elliot has been invited to attend the Licensing Regulatory Committee to make a representation in support of his application.

4. Options

Options available to members today are:

- a) Grant the street trading consent and approve the removal of condition 12; or
- b) Reject the application for a street trading consent.

5. Recommendation

It is the Officer's recommendation that members **GRANT** the street trading consent for a period of 12 months and approve the removal of condition number 12.

6. Reasons for Recommendation

- a) Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allows the Council to grant consent if it sees fit to do so. The Council may impose conditions upon the consent.

- b) Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months
- c) Mr Elliot has applied for street trading consent in a street that is not prohibited.
- d) The consent would not be subjected to any planning restrictions, as long as the catering unit was removed from the site at the end of each day.

7. Considerations

(i) Legal Implications

The street in question has been designated by the Council as a consent street for street trading purposes under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Paragraph 7 of Schedule 4 of the Local Government Miscellaneous Provisions Act 1982 allows the Council to grant consent if it sees fit to do so.

Paragraph 7(4) allows the Council to attached such conditions as they consider reasonably necessary.

Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months.

This application has met the requirements set out in Schedule 4, Local Government (Miscellaneous Provisions) Act 1982.

Other than Judicial Review there is no statutory right of appeal against the Council's decision.

(ii) Risk Assessment

Not applicable

(iii) Financial Implications

Not applicable

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

The Licensing Authority has consistently brought businesses of this nature before the Licensing Regulatory Committee for decision for the removal of condition number 12 on street trading consents.

(vi) Other Human Rights

All applicants for a licence/consent have a right to a fair and public hearing.

(vii) Health and Well-being Implications

None identified

Background Papers

Nil.

Graham Barker

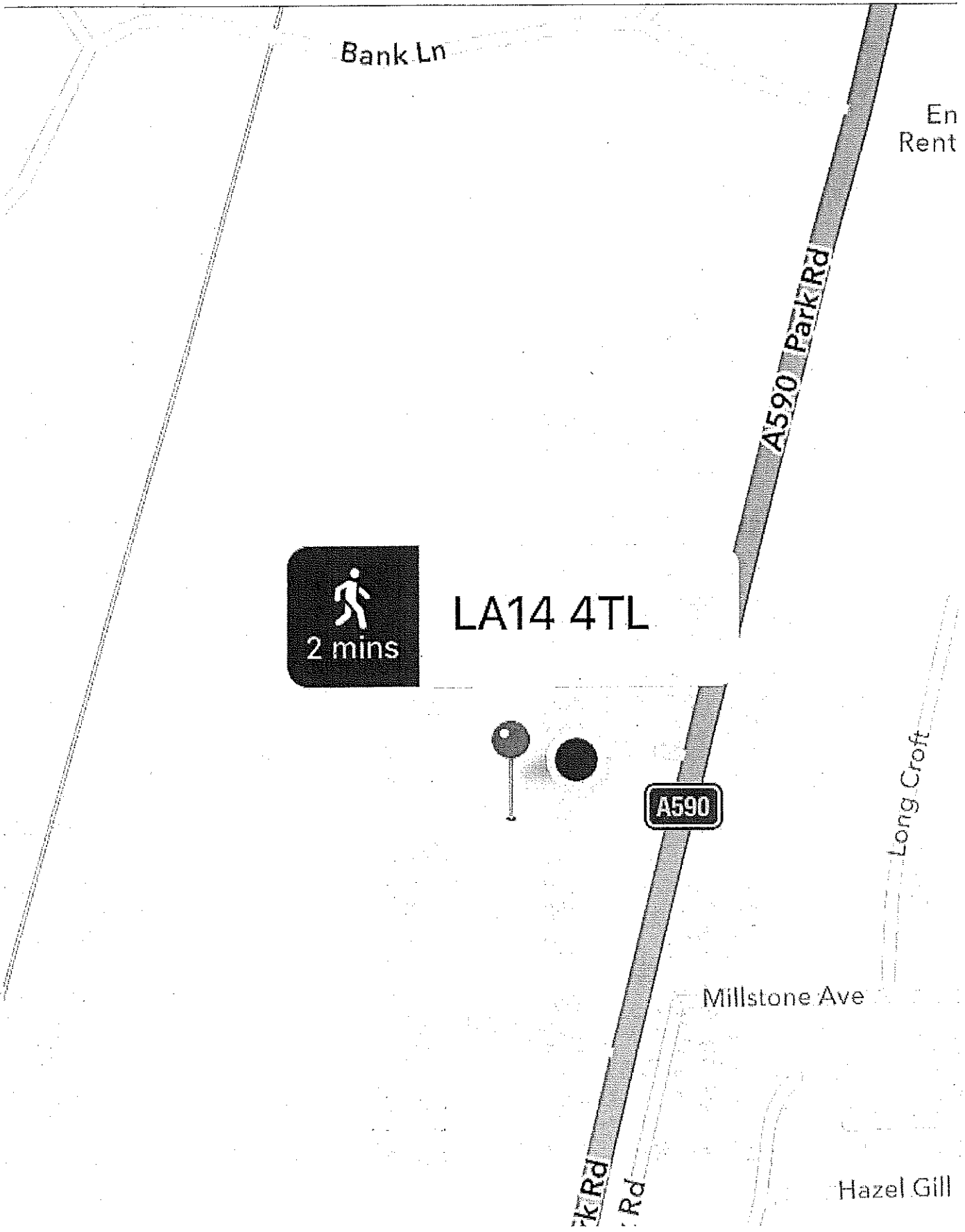
From: Graham Barker
Sent: 08 August 2016 16:25
To: Commercial Services
Subject: FW: Trailer catering

From: joseph elliot
Sent: 08 August 2016 10:29
To: furnesstilesupplies
Subject: Trailer catering





Unit 17, Meeting Industrial Estat...



Walking icon
2 mins

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A590

**BARROW-IN-FURNESS BOROUGH COUNCIL
ENVIRONMENTAL HEALTH DEPARTMENT
TOWN HALL
DUKE STREET
BARROW-IN-FURNESS
CUMBRIA LA14 2LD**

STANDARD CONDITIONS ATTACHED TO THE ISSUE OF A STREET TRADING CONSENT

LICENCE NO: «refno»

1. This consent operates from the dates as shown on the attached Consent.
2. It is personal to (the Trader) and cannot be assigned or sublet.
3. The registration number(s) of the Trader's vehicle(s) is/are as the attached Consent. If the Trader changes any vehicle, or his address, the new registration number or new address shall be endorsed hereon.
4. The Trader's name and address shall be stated clearly on the nearside of the vehicle at the front and the vehicle shall not be used unless this name and address is the correct one for the Trader for the time being.
5. The Trader(s) vehicle(s) shall at all times be available for inspection, and in the case of food businesses the Trader shall at all times comply with the relevant food hygiene legislation currently the Food Safety (General Food Hygiene) Regulations, 1995 and in any event with any legislation affecting the same.
6. If the Trader's vehicle is to be under the control of a person other than the Trader personally, the name and address of such person shall be given to the Council, together with details of the relationship.
7. No Trader or his vehicle shall cause any nuisance and in particular shall not trade in any prohibited street, currently:

All those streets in the Town Centre of Barrow-in-Furness bounded by and including Ramsden Street, The Strand, Hindpool Road, Abbey Road, Duke Street, Hawke Street, Collingwood Street, Dryden Street, Station Approach and the main railway line, together with Thorney Nook Lane, Biggar Bank Road, Beach Crescent, Ocean Road between its junction with Biggar Bank Road and its junction with Carr Lane, Sandy Gap Lane, West Shore Road between Earnse Point and its junction with Cows Tarn Lane, the Coast Road from Rampside Road roundabout to the Borough boundary and Manor Road between its junction with Abbey Approach and its junction with Parkhouse Road.

Also, all the streets on Barrow Island, Rating Lane (from the junction with Abbey Road to the junction with Flass Lane), Manor Road (from the junction with Rating Lane to the junction with Abbey Approach), Croft Park Grove, Croslands Park (from the junction with Rating Lane to the roundabout in Croslands Park, Meadowlands Avenue, Highlands Avenue, Lesh Lane, Rising Side.

The pedestrianised areas of Dalton Road and Portland Walk are designated as 'Consent Streets' and to trade in these areas it is necessary to obtain a special consent which is granted by the Licensing Committee.

8. The Trader shall have the responsibility for the collection and removal of litter arising from his activities.
 9. The Council may amend the terms of this consent by seven days' notice in writing to the Trader at the above address. If the Trader wishes, he can terminate this consent at the expiry of such seven days' notice and claim a refund of the unexpired fee.
 10. This consent may be terminated immediately for breach of any of the conditions, and upon any termination (save as in Clause 9) no refund shall be made.
 11. The vehicle(s) shall at all times be in a roadworthy condition.
 12. The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.
 13. The trader must not operate his/her business after 8.00 pm each day.
-

LICENSING REGULATORY COMMITTEE		Part One (D) Agenda Item 9
Date of Meeting:	1st September, 2016	
Reporting Officer:	Environmental Health Manager	
<p>Title: Environmental Health Manager – Request to Change Delegations</p> <p>Report Summary: Following a recent review of the Environmental Health Manager's delegations in the Council's Constitution, this report requests that Members consider adding a delegation which would allow the Reporting Officer to suspend private hire and hackney carriage vehicle licences under certain circumstances. This would allow suspensions to be made promptly and aid the effective and efficient running of the taxi licensing function.</p> <p>This report also asks that a further delegation be added relating to the return of vehicle identification plates or discs in certain circumstances.</p>		

1. Introduction

1.1 The current Constitution of the Council states that the Environmental Health Manager has 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.'

1.2 A recent review of the Environmental Health Manager's delegations has identified that adding further delegations would be beneficial to aid the effective and efficient running of the taxi licensing function and allow action to be taken promptly if required to protect public safety. The suggested additional delegations relate to:

- i) The suspension of private hire and hackney carriage vehicle licences; and
- ii) The ability to give notice requiring the proprietor of a hackney carriage or private hire vehicle to return identification plates or discs to the Council within seven days in the circumstances set out in the legislation below.

2. Relevant Legislation

2.1. Section 50 (1) of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), requires that vehicle proprietors shall present their hackney carriage or private hire vehicles for inspection and testing by or on behalf of the Council within such period and at such place as they may by notice reasonably

require. This section also states that testing shall not take place on more than three separate occasions in 12 months.

Section 50 (5) states that failure to comply with the provisions in this section is an offence.

2.2. Section 60 (1) of the 1976 Act, provides that a district council may suspend or revoke, or refuse to renew a vehicle licence on any of the following grounds:—

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause.

2.3. Section 60 (2) of the 1976 Act states that a district council shall give to the proprietor of the vehicle, notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

2.4. Section 60 (3) states any proprietor aggrieved by a decision of a district council under this section may appeal to a Magistrates' Court.

2.5 Section 58 (1) of the 1976 Act states that on-

- a) the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle; or
- b) the suspension of a licence under section 68 of this Act;

a District Council may by notice require the proprietor of that vehicle to return to them the vehicle identification plate or disc which is attached to the vehicle (hackney carriage) or has been issued for the vehicle (private hire).

2.6 Section 58 (2) states that if a proprietor fails without reasonable excuse to comply with the terms of a notice under subsection 1 of this section-

- a) He shall be guilty of an offence and liable on summary conviction to a fine and also a daily fine; and
- b) Any authorised Council Officer or Constable shall be entitled to remove and retain the plate or disc from the vehicle.

3. Vehicle Testing

3.1. The Council's current requirement for vehicle testing depends upon the age of the vehicle. Vehicles are tested at one of the Council approved testing stations 2 or 3 times a year.

3.2. Vehicle proprietors are reminded to submit their vehicles for testing (this is the notice required by section 50 set out above) by letter at least 30 days before their mid-term or renewal tests are due. If the vehicle proprietor fails to submit

the vehicle for testing, the licence should then be suspended using Section 60 of the Local Government (Miscellaneous Provisions) Act 1976, until such time as a valid test certificate is obtained.

For Members' information the Environmental Health Manager can re-instate the vehicle licence if a valid test certificate is obtained, using delegated powers.

4. Options

The options available to Members are;

- 1) To add the following wording to the Environmental Health Manager's delegations:
 - a) 'To suspend private hire and hackney carriage vehicle licences on any of the grounds contained in s.60 Local Government Miscellaneous Provisions Act 1976'; and
 - b) 'To give notice requiring the proprietor of a private hire or hackney carriage vehicle, to return vehicle identification plates or discs to the Council within seven days in relation to any of the grounds contained in s.58 Local Government Miscellaneous Provisions Act 1976'.

or

- 2) To make no additions to Environmental Health Manager's delegation.

5. Recommendation

I recommend that Members:-

Add the following wording to the Environmental Health Manager's delegations:

- a) 'To suspend private hire and hackney carriage vehicle licences on any of the grounds contained in s.60 Local Government Miscellaneous Provisions Act 1976'; and
- b) 'To give notice requiring the proprietor of a private hire or hackney carriage vehicle, to return vehicle identification plates or discs to the Council within seven days in relation to any of the grounds contained in s.58 Local Government Miscellaneous Provisions Act 1976'.

6. Reasons for Recommendation

1. Currently the Licensing Regulatory Committee can exercise the power to suspend vehicle licences and give notice to return vehicle identification plates/discs, but there will be a delay in taking that decision because of the legally required agenda / publishing deadlines for a Committee. This delay would allow a potentially defective vehicle to remain in use which

could pose a danger to the public. Protecting public safety is the primary aim of taxi licensing.

2. The proposed amendments will allow the Council to act promptly and aid the efficient and effective running of the taxi licensing function.

7. Considerations

(i) Legal Implications

Local Government (Miscellaneous Provisions) Act 1976, Sections 50 & 60

50 Provisions as to proprietors

(1) Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require:

Provided that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

(5) if any person without reasonable excuse con

60. Suspension and revocation of vehicle licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—

(a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;

(b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or

(c) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

58. Return of identification plate or disc on revocation or expiry of licence etc.

(1) On—

(a) the revocation or expiry of a vehicle licence in relation to a hackney carriage or private hire vehicle; or

(b) the suspension of a licence under section 68 of this Act;

a district council may by notice require the proprietor of that hackney carriage or private hire vehicle licensed by them to return to them within seven days after the service on him of that notice the plate or disc which—

(a) in the case of a hackney carriage, is required to be affixed to the carriage as mentioned in section 38 of the Act of 1847; and

(b) in the case of a private hire vehicle, was issued for the vehicle under section 48(5) of this Act.

(2) If any proprietor fails without reasonable excuse to comply with the terms of a notice under subsection (1) of this section—

(a) he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1level 3 on the standard scale] and to a daily fine not exceeding ten pounds; and

(b) any authorised officer of the council or constable shall be entitled to remove and retain the said plate or disc from the said hackney carriage or private hire vehicle

(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

A decision of a Licensing Regulatory Committee or an Officer using delegated powers made under this section may be appealed to Magistrates' Court. If successful, the costs would have to be met by the Council.

(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 another's' 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.

(vii) Health and Well-being Implications

None.

Background Papers

Council Constitution & Delegations