

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Licensing Committee

The meeting will be held at **7.00 pm on 3 February 2021**

Due to government guidance on social-distancing and COVID-19 virus the Licensing Committee on 3 February 2021 will be held virtually online. Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at www.thurrock.gov.uk/webcast

Membership:

Councillors Gary Collins (Chair), Qaisar Abbas (Vice-Chair), John Allen, Alex Anderson, Chris Baker, Tony Fish, Steve Liddiard, Ben Maney, Fraser Massey, David Potter, Shane Ralph, Joycelyn Redsell, Sue Sammons, Sue Shinnick and David Van Day

Substitutes:

Councillors Abbie Akinbohun, Mike Fletcher, Barry Johnson, Sue Hooper and Sara Muldowney

Agenda

Open to Public and Press

	Page
1. Apologies for Absence	
2. Minutes	5 - 8
To approve as a correct record the minutes of the Licensing Committee meeting held on 1 July 2020.	
3. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972	

4. **Declaration of Interests**
5. **Setting of Licensing Fees** **9 - 18**
6. **Item 6 - National Taxi Standards and Taxi Policy** **19 - 134**

Queries regarding this Agenda or notification of apologies:

Please contact Kenna Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **26 January 2021**

Information for members of the public and councillors

Access to Information and Meetings

Due to current government guidance on social-distancing and the COVID-19 virus, council meetings will not be open for members of the public to physically attend. Arrangements have been made for the press and public to watch council meetings live via the Council's online webcast channel: www.thurrock.gov.uk/webcast

Members of the public have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

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If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Licensing Committee held on 1 July 2020 at 7.00 pm

Present: Councillors Gary Collins (Chair), Qaisar Abbas (Vice-Chair), John Allen, Alex Anderson, Chris Baker, Tony Fish, Steve Liddiard, Ben Maney, Fraser Massey, Shane Ralph, Joycelyn Redsell, Sue Sammons and David Van Day

Apologies: Councillors Sue Shinnick

In attendance: Paul Adams, Principal Licensing Officer
Kenna-Victoria Healey, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting would be filmed and was being recorded, with the recording to be made available on the Council's website.

17. Minutes

The Minutes of the Licensing Committee meeting held on 05 February 2020 were approved as a true and correct record.

18. Items of Urgent Business

There were no items of urgent business.

19. Declaration of Interests

There were no declarations of interest.

20. Review of the Licensing Act 2003 - Statement of Licensing Policy

The Principal Licensing officer introduced the report explaining the Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further required the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every five years.

He continued to inform the Committee that in compliance with the requirement to review the policy, a draft of the reviewed Statement of Licensing Policy had been prepared and was attached as Appendix 1. As part of the review interested parties would be consulted with including licence holders and their representatives, and the public.

Members heard how the Council as a Licensing Authority was obliged to have a statement of Local Licensing Policy in place. The reviewed policy included legislative changes in the following areas:

- The introduction of the Home Office as a Responsible Authority
- The introduction of the right to work checks
- The updating of the application procedures

The principal licensing officer explained that the amendments to the current policy will be out for public consultation for a minimum of 6 to 8 weeks. He further explained to members that should there be any comments on the policy changes, these will be reflected back to the committee before going on to full council for final approval.

It was queried by Members as to whether the wording in Appendix 4 to the policy would be amended after the completion of Brexit. The Principal Licensing Officer stated that wording could be looked at and maybe amended, perhaps on the online application as these were submitted through the Gov.uk website and not only through the Local Authority website.

Members further queries as to the time restraints in relation to enforcement action when taking into account the four licenses objectives. Officers explained that each case would be looked at on the individual merits and there were further processes linked to the enforcement policy which were also to be taken into account.

During discussions the committee touched on the licensing objective of public safety and enquired as to whether test purchases for underage sales were still being accomplished. It was confirmed that they were, which led to Members seeking the recent data and such events undertaken by the Councils Trading Standards Team.

The Chair of the Committee enquired as to whether it was possible to state the provision for effective CCTV in and around premises, should hold the equipment for facial recognition. The Principal Licensing Officer explained that the application for a premises licence should outline the CCTV requirements, therefore facial recognition CCTV was only required when necessary.

It was raised by Members that a 'pop up' street party was held over the weekend in the borough. Officers were asked how members of the public could report such parties or such events and what were the council's powers for dealing with such situations. Officers explained that although the council were aware of such events, it was the responsibility of the Police to close such situations down. He continued to explain that after the event, it was possible for a review to be undertaken by the Licensing Authority should there have been any licensing activity taken place, such as the sale of alcohol.

RESOLVED that the Licensing Committee:

- 1. Agree for the reviewed statement of Licensing Policy to go out to consultation.**
- 2. That after consultation, relevant responses are reported to the Licensing Committee for consideration.**
- 3. If no relevant responses are received during consultation then for a recommendation to be made to full council for the adoption of the policy.**

21. Review of the Gambling Act 2005 - Statement of Principles

The Principal Licensing Officer introduced the report and in doing so, advised the Committee that the Gambling Act 2005 required the Council as a Licensing Authority to produce a Statement of Principles. The legislation further required the Council to review, determine and publish its Statement of Principle with respect to the exercise of its licensing functions every five years.

He continued to advice in line with the requirement to review the policy, a draft Statement of Principles had been prepared and was attached to the report. As part of this review interested parties would be consulted with including licence holders and their representatives, and the public.

The reviewed policy included the legislative changes in the following areas:

- Changes to the incidental non-commercial lottery made by the Legislative
- Reform (Exempt Lotteries) Order 2016)
- Updates to Travelling fairs, unlicensed (permit) Family entertainment centres
- Changes to the FOBT's in betting shops.
- Inclusion of Area Profile.

The Principal Licensing Officer explained due to the change in betting stake from £100 maximum to £2 maximum for slot machines; which had been documented within the press, it was observed that gambling establishments such as betting shops had taken a hit. He further informed Members due to COVID-19 and the country being in lockdown a number betting shops within the borough had been forced to close.

The Chair of the Committee sought as to whether children being unsupervised in any gambling establishments was a concern for the council, and furthermore whether training on child sexual exploitation was given to owners of such shops. It was explained that all gambling establishments are in courage to undertake relevant training for their staff. He also advised the committee that any complaints relating to such concerns should be referred to the gambling commission.

Members asked for further clarity in relation to the consultation process; ensuring they reached the people within the borough who were of the need to know of such policy update. The Principal Licensing Officer explained the list of consultees included all responsible authorities under the Gambling Act, Members of the Council through the Licensing Committee, betting shops and other premises licences within the borough for sale or supply of alcohol. It was then queried as to whether schools would be involved in the consultation and therefore advising young people of the rules surrounding betting and gambling establishments. The Principal Licensing Officer explained that schools were not currently included, however they could be emailed or wrote to should Members wish this.

Members sought as to whether the council had any powers over the gambling adverts shown for example during football match games on television. It was explained as these were a national adverts, the responsibility lied with the Gambling Commission should there be any complaints.

RESOLVED:

- 1. Agree for the reviewed statement of principles to go out to consultation.**
- 2. That after consultation, relevant responses are reported to the Licensing Committee for consideration.**
- 3. If no relevant responses are received during consultation then for a recommendation to be made to full council for the adoption of the statement of principles.**

The meeting finished at 7.53 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

3 February 2021		ITEM: 5
Licensing Committee		
Setting of Licensing Fees		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams – Licensing Manager		
Accountable Head of Service: Leigh Nicholson – Assistant Director Planning, Transport and Public Protection		
Accountable Director: Andrew Millard - Director of Place		
This report is: Public		

Executive Summary

This report sets out the process and methodology for the setting of Licence Fees associated with licence applications under the remit of the Licensing Committee, and proposes the licencing fees for consultation where necessary for the 2021-2022 financial year.

1. Recommendation

1.1 Agree the fees and charges as set out in Appendix A for the 2021- 2022 financial year.

2. Introduction and Background

2.1 Most licence applications attract a fee, different licensing regimes have different ways in which the fees are set, which generally is by one of three ways:

- A statutory set fee.
- A locally set reasonable fee that has by statute, a capped maximum amount.
- A locally set reasonable fee with no maximum cap.

2.2 With the exception of the statutory set fees, any fee charged must be based on cost recovery, no profit can be made on the licence fee income.

2.3 Fees that are set by statute, cannot be varied and must be charges as they are set within the legislation, this relates to all licences under the Licensing Act 2003 (Alcohol and Entertainment).

- 2.4 Fees that can be set locally with a capped maximum must be set on a cost recovery basis up to the cap. If the cost recovery is less than the capped amount then less than the cap should be charged, if it is higher than the cap then a loss will need to be made. This relates to fees under the Gambling Act 2005.
- 2.5 Fees that can be set locally without a cap, must be set on a cost recovery basis only, they cannot be used to generate an income to perform other functions of the Council. This relates to Taxis, Sex Establishments, Scrap Metal Dealers, Street Trading, MST and all Animal Welfare Licences.
- 2.6 Guidance does exist in relation to fee setting in the form of:
- Home Office Guidance on setting Scrap Metal Dealers Act 2013 Fees.
 - Draft LGA Guidance on Locally Set Fees, issued September 2013.
 - DEFRA Guidance, Animal Welfare Licence Fees - A Practical Guide to Fee Setting
 - Welsh Technical Panel Templates
 - Case law.
- 2.7 Cost recovery is considered as the covering the full cost of administering and ensuring compliance with the licensing regime. Each licensing regime has some slight differences but generally the costs that could be included calculations and apportioned appropriately are:
- Administration - processing of the licence, officer time, printing, postage and licensing software, etc.
 - Visits - Officer time for initial visits, renewal inspections, etc.
 - Third Party Costs – Veterinary visits, vehicle inspections etc.
 - Consultation and liaison with third parties – engaging with Responsible Authorities and other stake holders.
 - Management Costs – apportioned cost of the management involvement in any process.
 - Democracy costs – Committee costs for determining applications
 - On Costs – Payroll, Accommodation, finance, legal, travel
 - Training – For officers and Members
 - Policies – Development, consultation, publishing and review.
 - Web material – compliance with EU Directive, on line applications.
 - Compliance work – ensuring licence holders are compliant with the licence.
 - Fees – Setting and reviewing of fees
 - Appeals - legal costs of appeals
 - Maintaining registers – local and national
- 2.8 There are costs that are unrecoverable; this should include the cost of enforcement action in relation to un-licensed persons/premises/vehicles. This type of action should be funded out of the Council's General Fund.

- 2.9 In order to ensure that fees remain reasonable and proportionate it is necessary to carry out a regular review of the fees.
- 2.10 Generally fees cannot make a profit, case law has established that any surplus must be carried forward, and any deficit can also be carried forward and recouped.
- 2.11 Benchmarking of fees could be used only as a comparison, and should not be used as a fee matching exercise. Each authority will have different costs, structures and processes which will significantly could create differences in fees.

3. Issues, Options and Analysis of Options

- 3.1 Thurrock Council's locally set licence fees were last set in 2015. The fees were reviewed last year and as slight increase for taxis and animal establishments was proposed and the consultation began just before COVID-19 took hold.
- 3.2 This consultation was stopped as the licence holders that would be impacted by the fee rise were significantly impacted by COVID-19.
- 3.3 Case law has placed and added emphasis on the need for councils to set fees in a legally robust and transparent manner. Recently steps have been taken to separate out further the accounting of each licensing regime, providing a more robust and transparent process in response to recent guidance and case law.
- 3.4 It is proposed to keep fees at their current level. COVID-19 has significantly impacted those businesses that were expected to see a small increase, with licence operators not working still and with those that are seeing a significant reduction in business.
- 3.5 The only proposed change to the fees is the charge for the DBS check has been separated from the application fee for driver licences to accommodate the need to use the DBS update service in line with recent taxi guidance. There is no actual change to the total fee.
- 3.5 A full review of all fees will be undertaken next year, and any surplus must be carried forward, and any deficit can also be carried forward and recouped if either case arises with the impact of COVID-19 on the trading accounts for this year.
- 3.6 The proposed fees for are attached in **Appendix A**. It is intended that this fee change will come into effect from 1st April 2020.

4. Reasons for Recommendation

4.1 It is important that all Licence fees are subject to regular review to ensure that they remain reasonable and proportionate. Where there is to be a significant change to the licensing fee, sufficient consultation must be undertaken to ensure compliance with legislation and to seek a balanced view of the proposed changes.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Full consultation will be undertaken on any significant proposed changes to fees, or where consultation is required by statute.

5.2 Under the Local Government (Miscellaneous Provisions) Act 1976, with regards to hackney carriage proprietors licences, private hire vehicle licences and private hire operator licences, there is a requirement where the fee charged is greater than £25 to consult on the proposed fee as prescribed by the legislation.

5.3 The procedure requires that a notice must be published in a local newspaper, and at the offices, which must give 28 days from the date of publishing for objections to be lodged and advertise the date the fees will come into effect.

5.4 If objection is received and has not been withdrawn then the council must consider the objections. If this is the case then this committee will consider the objections.

6. Impact on corporate policies, priorities, performance and community impact

6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

As part of the budget process each year, the Council needs to review its fees and charges. The future development of the Medium Term Financial Strategy takes into account changes in fees and charges in broad terms over the period of the strategy.

This report sets out information for the Licensing Committee, the process of setting fees in accordance with Legislation, Guidance and good practice.

It is important that the fee levels are set where possible at cost recovery to ensure that the service is financial viable for the current financial year.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

A Council is entitled to charge a reasonable fee for the grant of a licence, in accordance with relevant legislation, with a view to recovering the costs of issue and administration of those licences. This report set out what is considered reasonable and the process to be followed.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager, Community Development and Equalities

To ensure any equality impact is managed, any change in fees must be communicated to all licence holders at the earliest opportunity, consultation on any proposed changes will be undertaken to ensure that customers have an opportunity to contribute to any decision to change and the council considers these contributions before taking a final decision.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. Appendices to the report

- Appendix A – Proposed Fees 2021/2022

Report Author:

Paul Adams

Licensing Manager

Licensing Team, Public Protection

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APPENDIX A - Proposed fees and charges 21-22

Name of fee or charge	Statutory/ Discretionary Charge	VAT Status 21/22	Charge excl. VAT 21/22	VAT Amount 20/21	Charge incl. VAT 20/21	VAT Status 21/22	Charge excl. VAT 21/22	VAT Amount 21/22	Charge incl. VAT 20/21	Change from last year (incl. VAT)	Change from last year (excl. VAT)	New, Removed, Unchanged
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 5,000 to 9,999	S	O	£ 1,000.00	£ -	£ 1,000.00	O	£ 1,000.00	£ -	£ 1,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 10,000 to 14,999	S	O	£ 2,000.00	£ -	£ 2,000.00	O	£ 2,000.00	£ -	£ 2,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 15,000 to 19,999	S	O	£ 4,000.00	£ -	£ 4,000.00	O	£ 4,000.00	£ -	£ 4,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 20,000 to 29,999	S	O	£ 8,000.00	£ -	£ 8,000.00	O	£ 8,000.00	£ -	£ 8,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 30,000 to 39,999	S	O	£ 16,000.00	£ -	£ 16,000.00	O	£ 16,000.00	£ -	£ 16,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 40,000 to 49,999	S	O	£ 24,000.00	£ -	£ 24,000.00	O	£ 24,000.00	£ -	£ 24,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 50,000 to 59,999	S	O	£ 32,000.00	£ -	£ 32,000.00	O	£ 32,000.00	£ -	£ 32,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 60,000 to 69,999	S	O	£ 40,000.00	£ -	£ 40,000.00	O	£ 40,000.00	£ -	£ 40,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 70,000 to 79,999	S	O	£ 48,000.00	£ -	£ 48,000.00	O	£ 48,000.00	£ -	£ 48,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Additional annual fee payable if applicable 80,000 to 89,999	S	O	£ 56,000.00	£ -	£ 56,000.00	O	£ 56,000.00	£ -	£ 56,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 5,000 to 9,999	S	O	£ 1,000.00	£ -	£ 1,000.00	O	£ 1,000.00	£ -	£ 1,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 10,000 to 14,999	S	O	£ 2,000.00	£ -	£ 2,000.00	O	£ 2,000.00	£ -	£ 2,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 15,000 to 19,999	S	O	£ 4,000.00	£ -	£ 4,000.00	O	£ 4,000.00	£ -	£ 4,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 20,000 to 29,999	S	O	£ 8,000.00	£ -	£ 8,000.00	O	£ 8,000.00	£ -	£ 8,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 30,000 to 39,999	S	O	£ 16,000.00	£ -	£ 16,000.00	O	£ 16,000.00	£ -	£ 16,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 40,000 to 49,999	S	O	£ 24,000.00	£ -	£ 24,000.00	O	£ 24,000.00	£ -	£ 24,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 50,000 to 59,999	S	O	£ 32,000.00	£ -	£ 32,000.00	O	£ 32,000.00	£ -	£ 32,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 60,000 to 69,999	S	O	£ 40,000.00	£ -	£ 40,000.00	O	£ 40,000.00	£ -	£ 40,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 70,000 to 79,999	S	O	£ 48,000.00	£ -	£ 48,000.00	O	£ 48,000.00	£ -	£ 48,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Additional Fees - Attendance at any one time 80,000 to 89,999	S	O	£ 56,000.00	£ -	£ 56,000.00	O	£ 56,000.00	£ -	£ 56,000.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - A = None to £4,400	S	O	£ 70.00	£ -	£ 70.00	O	£ 70.00	£ -	£ 70.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - B = £4,301 to £13,000	S	O	£ 180.00	£ -	£ 180.00	O	£ 180.00	£ -	£ 180.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - C = £13,001 to £37,000	S	O	£ 295.00	£ -	£ 295.00	O	£ 295.00	£ -	£ 295.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - Annual Charge - D = £37,001 to £125,000	S	O	£ 320.00	£ -	£ 320.00	O	£ 320.00	£ -	£ 320.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - A = None to £4,400	S	O	£ 100.00	£ -	£ 100.00	O	£ 100.00	£ -	£ 100.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - B = £4,301 to £13,000	S	O	£ 190.00	£ -	£ 190.00	O	£ 190.00	£ -	£ 190.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - C = £13,001 to £37,000	S	O	£ 315.00	£ -	£ 315.00	O	£ 315.00	£ -	£ 315.00	£ -	£ -	-
Alcohol and Entertainment Licences - Club Premises Certificates - New Application & Variation - D = £37,001 to £125,000	S	O	£ 450.00	£ -	£ 450.00	O	£ 450.00	£ -	£ 450.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application for a provisional statement where premises being built etc.	S	O	£ 635.00	£ -	£ 635.00	O	£ 635.00	£ -	£ 635.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application for the grant or renewal of a licence	S	O	£ 315.00	£ -	£ 315.00	O	£ 315.00	£ -	£ 315.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application for the transfer of premises licence	S	O	£ 37.00	£ -	£ 37.00	O	£ 37.00	£ -	£ 37.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Application to vary licence to specify individual as premises supervisor	S	O	£ 23.00	£ -	£ 23.00	O	£ 23.00	£ -	£ 23.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Change of relevant registered address of club	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Duty to notify change of name or address	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Notification of change of name or address	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Notification of change of name or alteration of rules of club	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Right of freeholder etc. to be notified of licensing matters	S	O	£ 21.00	£ -	£ 21.00	O	£ 21.00	£ -	£ 21.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Temporary event notice	S	O	£ 21.00	£ -	£ 21.00	O	£ 21.00	£ -	£ 21.00	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of certificate or summary	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of personal licence	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of premises licence or summary	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Other Fees - Theft, loss etc. of temporary event notice	S	O	£ 10.50	£ -	£ 10.50	O	£ 10.50	£ -	£ 10.50	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - A = None to £4,400	S	O	£ 70.00	£ -	£ 70.00	O	£ 70.00	£ -	£ 70.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - B = £4,301 to £13,000	S	O	£ 180.00	£ -	£ 180.00	O	£ 180.00	£ -	£ 180.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - C = £13,001 to £37,000	S	O	£ 295.00	£ -	£ 295.00	O	£ 295.00	£ -	£ 295.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - D = £37,001 to £125,000	S	O	£ 320.00	£ -	£ 320.00	O	£ 320.00	£ -	£ 320.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - Annual Charge - E = £125,000 plus	S	O	£ 350.00	£ -	£ 350.00	O	£ 350.00	£ -	£ 350.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - A = None to £4,400	S	O	£ 100.00	£ -	£ 100.00	O	£ 100.00	£ -	£ 100.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - B = £4,301 to £13,000	S	O	£ 190.00	£ -	£ 190.00	O	£ 190.00	£ -	£ 190.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - C = £13,001 to £37,000	S	O	£ 315.00	£ -	£ 315.00	O	£ 315.00	£ -	£ 315.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - D = £37,001 to £125,000	S	O	£ 450.00	£ -	£ 450.00	O	£ 450.00	£ -	£ 450.00	£ -	£ -	-
Alcohol and Entertainment Licences - Premises Licences - New Application & Variation - E = £125,000 plus	S	O	£ 635.00	£ -	£ 635.00	O	£ 635.00	£ -	£ 635.00	£ -	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Annual Fee	D	O	£ 800.00	£ -	£ 800.00	O	£ 800.00	£ -	£ 800.00	£ -	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee for reinstatement of a licence	D	O	£ 1,000.00	£ -	£ 1,000.00	O	£ 1,000.00	£ -	£ 1,000.00	£ -	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee in respect of Premises Licence	D	O	£ 1,600.00	£ -	£ 1,600.00	O	£ 1,600.00	£ -	£ 1,600.00	£ -	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee in respect of Provisional Statement	D	O	£ 1,600.00	£ -	£ 1,600.00	O	£ 1,600.00	£ -	£ 1,600.00	£ -	£ -	-
Gambling Licences - Adult Gaming Centre Premises Licence - Application fee to transfer a licence	D	O	£ 1,000.00	£ -	£ 1,000.00	O	£ 1,000.00	£ -	£ 1,000.00	£ -	£ -	-

Gambling Licences - Adult Gaming Centre Premises Licence - Application fee to vary a licence	D	O	£	800.00	£	-	£	800.00	O	£	800.00	£	-	£	800.00	£	-
Gambling Licences - Annual fee for Club Gaming or Machine Permit	S	O	£	50.00	£	-	£	50.00	O	£	50.00	£	-	£	50.00	£	-
Gambling Licences - Application for Club Gaming or Machine Permit	S	O	£	200.00	£	-	£	200.00	O	£	200.00	£	-	£	200.00	£	-
Gambling Licences - Application for Club Gaming or Machine Permit (existing holder)	S	O	£	100.00	£	-	£	100.00	O	£	100.00	£	-	£	100.00	£	-
Gambling Licences - Application for Club Gaming or Machine Permit (holding Certificate under licence act 2003)	S	O	£	100.00	£	-	£	100.00	O	£	100.00	£	-	£	100.00	£	-
Gambling Licences - Application for Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	O	£	300.00	£	-	£	300.00	O	£	300.00	£	-	£	300.00	£	-
Gambling Licences - Application for Vary Club Gaming or Machine Permit	S	O	£	100.00	£	-	£	100.00	O	£	100.00	£	-	£	100.00	£	-
Gambling Licences - Betting Premises (Track) Licence - Annual Fee	D	O	£	1,000.00	£	-	£	1,000.00	O	£	1,000.00	£	-	£	1,000.00	£	-
Gambling Licences - Betting Premises (Track) Licence - Application fee for reinstatement of a licence	D	O	£	950.00	£	-	£	950.00	O	£	950.00	£	-	£	950.00	£	-
Gambling Licences - Betting Premises (Track) Licence - Application fee in respect of Premises Licence	D	O	£	2,500.00	£	-	£	2,500.00	O	£	2,500.00	£	-	£	2,500.00	£	-
Gambling Licences - Betting Premises (Track) Licence - Application fee in respect of Provisional Statement	D	O	£	2,500.00	£	-	£	2,500.00	O	£	2,500.00	£	-	£	2,500.00	£	-
Gambling Licences - Betting Premises (Track) Licence - Application fee to transfer a licence	D	O	£	950.00	£	-	£	950.00	O	£	950.00	£	-	£	950.00	£	-
Gambling Licences - Betting Premises (Track) Licence - Application fee to vary a licence	D	O	£	1,250.00	£	-	£	1,250.00	O	£	1,250.00	£	-	£	1,250.00	£	-
Gambling Licences - Bingo Premises Licence - Annual Fee	D	O	£	800.00	£	-	£	800.00	O	£	800.00	£	-	£	800.00	£	-
Gambling Licences - Bingo Premises Licence - Application fee for reinstatement of a licence	D	O	£	1,000.00	£	-	£	1,000.00	O	£	1,000.00	£	-	£	1,000.00	£	-
Gambling Licences - Bingo Premises Licence - Application fee in respect of Premises Licence	D	O	£	3,000.00	£	-	£	3,000.00	O	£	3,000.00	£	-	£	3,000.00	£	-
Gambling Licences - Bingo Premises Licence - Application fee in respect of Provisional Statement	D	O	£	3,000.00	£	-	£	3,000.00	O	£	3,000.00	£	-	£	3,000.00	£	-
Gambling Licences - Bingo Premises Licence - Application fee to transfer a licence	D	O	£	1,000.00	£	-	£	1,000.00	O	£	1,000.00	£	-	£	1,000.00	£	-
Gambling Licences - Bingo Premises Licence - Application fee to vary a licence	D	O	£	1,500.00	£	-	£	1,500.00	O	£	1,500.00	£	-	£	1,500.00	£	-
Gambling Licences - Change of name on Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	O	£	25.00	£	-	£	25.00	O	£	25.00	£	-	£	25.00	£	-
Gambling Licences - Copy of Club Gaming or Machine Permit	S	O	£	15.00	£	-	£	15.00	O	£	15.00	£	-	£	15.00	£	-
Gambling Licences - Copy of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	O	£	15.00	£	-	£	15.00	O	£	15.00	£	-	£	15.00	£	-
Gambling Licences - Copy of the Premises Licence	S	O	£	15.00	£	-	£	15.00	O	£	15.00	£	-	£	15.00	£	-
Gambling Licences - Family Entertainment Centre Premises Licence - Annual Fee	D	O	£	600.00	£	-	£	600.00	O	£	600.00	£	-	£	600.00	£	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee for reinstatement of a licence	D	O	£	800.00	£	-	£	800.00	O	£	800.00	£	-	£	800.00	£	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee in respect of Premises Licence	D	O	£	1,600.00	£	-	£	1,600.00	O	£	1,600.00	£	-	£	1,600.00	£	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee in respect of Provisional Statement	D	O	£	1,600.00	£	-	£	1,600.00	O	£	1,600.00	£	-	£	1,600.00	£	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee to transfer a licence	D	O	£	800.00	£	-	£	800.00	O	£	800.00	£	-	£	800.00	£	-
Gambling Licences - Family Entertainment Centre Premises Licence - Application fee to vary a licence	D	O	£	800.00	£	-	£	800.00	O	£	800.00	£	-	£	800.00	£	-
Gambling Licences - Large Casino Premises Licence - Annual Fee	D	O	£	10,000.00	£	-	£	10,000.00	O	£	10,000.00	£	-	£	10,000.00	£	-
Gambling Licences - Large Casino Premises Licence - Application fee for reinstatement of a licence	D	O	£	2,150.00	£	-	£	2,150.00	O	£	2,150.00	£	-	£	2,150.00	£	-
Gambling Licences - Large Casino Premises Licence - Application fee in respect of Provisional Statement	D	O	£	10,000.00	£	-	£	10,000.00	O	£	10,000.00	£	-	£	10,000.00	£	-
Gambling Licences - Large Casino Premises Licence - Application fee to transfer a licence	D	O	£	10,000.00	£	-	£	10,000.00	O	£	10,000.00	£	-	£	10,000.00	£	-
Gambling Licences - Large Casino Premises Licence - Application fee to vary a licence	D	O	£	2,150.00	£	-	£	2,150.00	O	£	2,150.00	£	-	£	2,150.00	£	-
Gambling Licences - Notification of change of circumstances from premises Licence	S	O	£	50.00	£	-	£	50.00	O	£	50.00	£	-	£	50.00	£	-
Gambling Licences - Occasional Use Notice	S	O	£	-	£	-	£	-	O	£	-	£	-	£	-	£	-
Gambling Licences - Regional Casino Premises Licence - Annual Fee	D	O	£	15,000.00	£	-	£	15,000.00	O	£	15,000.00	£	-	£	15,000.00	£	-
Gambling Licences - Regional Casino Premises Licence - Application fee for reinstatement of a licence	D	O	£	6,500.00	£	-	£	6,500.00	O	£	6,500.00	£	-	£	6,500.00	£	-
Gambling Licences - Regional Casino Premises Licence - Application fee in respect of Premises Licence	D	O	£	15,000.00	£	-	£	15,000.00	O	£	15,000.00	£	-	£	15,000.00	£	-
Gambling Licences - Regional Casino Premises Licence - Application fee in respect of Provisional Statement	D	O	£	15,000.00	£	-	£	15,000.00	O	£	15,000.00	£	-	£	15,000.00	£	-
Gambling Licences - Regional Casino Premises Licence - Application fee to transfer a licence	D	O	£	6,500.00	£	-	£	6,500.00	O	£	6,500.00	£	-	£	6,500.00	£	-
Gambling Licences - Regional Casino Premises Licence - Application fee to vary a licence	D	O	£	7,500.00	£	-	£	7,500.00	O	£	7,500.00	£	-	£	7,500.00	£	-
Gambling Licences - Renewal of Club Gaming or Machine Permit	S	O	£	200.00	£	-	£	200.00	O	£	200.00	£	-	£	200.00	£	-
Gambling Licences - Renewal of Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit	S	O	£	300.00	£	-	£	300.00	O	£	300.00	£	-	£	300.00	£	-
Gambling Licences - Small Casino Premises Licence - Annual Fee	D	O	£	5,000.00	£	-	£	5,000.00	O	£	5,000.00	£	-	£	5,000.00	£	-
Gambling Licences - Small Casino Premises Licence - Application fee for reinstatement of a licence	D	O	£	1,800.00	£	-	£	1,800.00	O	£	1,800.00	£	-	£	1,800.00	£	-
Gambling Licences - Small Casino Premises Licence - Application fee in respect of Premises Licence	D	O	£	8,000.00	£	-	£	8,000.00	O	£	8,000.00	£	-	£	8,000.00	£	-
Gambling Licences - Small Casino Premises Licence - Application fee in respect of Provisional Statement	D	O	£	8,000.00	£	-	£	8,000.00	O	£	8,000.00	£	-	£	8,000.00	£	-
Gambling Licences - Small Casino Premises Licence - Application fee to transfer a licence	D	O	£	1,800.00	£	-	£	1,800.00	O	£	1,800.00	£	-	£	1,800.00	£	-
Gambling Licences - Small Casino Premises Licence - Application fee to vary a licence	D	O	£	4,000.00	£	-	£	4,000.00	O	£	4,000.00	£	-	£	4,000.00	£	-
Gambling Licences - Temporary Use Notice	S	O	£	500.00	£	-	£	500.00	O	£	500.00	£	-	£	500.00	£	-
Lotteries and Amusements act 1976 - Annual fee (1st Jan to 31st Dec)	S	O	£	20.00	£	-	£	20.00	O	£	20.00	£	-	£	20.00	£	-
Lotteries and Amusements act 1976 - Initial Reinstatement Fee	S	O	£	40.00	£	-	£	40.00	O	£	40.00	£	-	£	40.00	£	-
Public Protection - Licences - Other Sales and Service Charges - Skin Piercing Registrations - Registration of acupuncture, tattooing, ear piercing and electrolysis	D	O	£	£130 license charge plus £70 per employee	£	-	£	£130 license charge plus £70 per employee	O	£	£130 license charge plus £70 per employee	£	-	£	£130 license charge plus £70 per employee	£	-
Massage and Special Treatment Licences - New	D	O	£	130.00	£	-	£	130.00	O	£	130.00	£	-	£	130.00	£	-
Massage and Social Treatment Licences - Renewal	D	O	£	70.00	£	-	£	70.00	O	£	70.00	£	-	£	70.00	£	-
Massage and Social Treatment Licences - Renewed Licence	D	O	£	70.00	£	-	£	70.00	O	£	70.00	£	-	£	70.00	£	-
Massage and Special Treatment Licences - Replacement Licence (Address Change or change of ownership)	D	O	£	130.00	£	-	£	130.00	O	£	130.00	£	-	£	130.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 1 year (includes DBS)	D	O	£	175.00	£	-	£	175.00	O	£	175.00	£	-	£	175.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 1 year (excludes DBS)	D	O	£	167.00	£	-	£	167.00	O	£	167.00	£	-	£	167.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 2 years	D	O	£	310.00	£	-	£	310.00	O	£	310.00	£	-	£	310.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 3 years (includes DBS)	D	O	£	445.00	£	-	£	445.00	O	£	445.00	£	-	£	445.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH New (Combined Licence) 3 years (excludes DBS)	D	O	£	393.00	£	-	£	393.00	O	£	393.00	£	-	£	393.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 1 year (including DBS)	D	O	£	135.00	£	-	£	135.00	O	£	135.00	£	-	£	135.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 1 year (excluding DBS)	D	O	£	118.00	£	-	£	118.00	O	£	118.00	£	-	£	118.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 2 years	D	O	£	270.00	£	-	£	270.00	O	£	270.00	£	-	£	270.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 3 years (including DBS)	D	O	£	405.00	£	-	£	405.00	O	£	405.00	£	-	£	405.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC & PH Renewal (Combined Licence) 3 years (excluding DBS)	D	O	£	353.00	£	-	£	353.00	O	£	353.00	£	-	£	353.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC New 1 year (includes DBS)	D	O	£	140.00	£	-	£	140.00	O	£	140.00	£	-	£	140.00	£	-
Public Protection - Hackney Carriage Licences - Drivers Licences - HC New 1 year (excludes DBS)	D	O	£	122.00	£	-	£	122.00	O	£	122.00	£	-	£	122.00	£	-

Fee removed to separate the DBS fee, new fee below.
New fee to allow for DBS to be charged separately

Fee removed

Fee removed to separate the DBS fee, new fee below.
New fee to allow for DBS to be charged separately

Fee removed to separate the DBS fee, new fee below.

Fee removed to separate the DBS fee, new fee below.
New fee to allow for DBS to be charged separately

Fee removed to separate the DBS fee, new fee below.

Fee removed to separate the DBS fee, new fee below.
New fee to allow for DBS to be charged separately

Public Protection - Licences - Other Sales and Service Charges - Animal- Establishments Licence - Combination of licensable activities - grant fee (per activity) + vets fee if required	D	O	£	75.00	£	-	£	75.00	O	£	75.00	£	-	£	75.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Related Licences - Dangerous Wild Animals - plus appointed vets fee charge	D	O	£	272.00	£	-	£	272.00	O	£	272.00	£	-	£	272.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Animal-Related Licences - Zoo - plus appointed vets fee charge	D	O	£	272.00	£	-	£	272.00	O	£	272.00	£	-	£	272.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A1	D	O	£	1,400.00	£	-	£	1,400.00	O	£	1,400.00	£	-	£	1,400.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A1 (Trading between 11pm and 2am)	D	O	£	1,500.00	£	-	£	1,500.00	O	£	1,500.00	£	-	£	1,500.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A2	D	O	£	1,200.00	£	-	£	1,200.00	O	£	1,200.00	£	-	£	1,200.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class A3	D	O	£	1,200.00	£	-	£	1,200.00	O	£	1,200.00	£	-	£	1,200.00	£	-	£	-
Public Protection - Licences - Other Sales and Service Charges - Street Trading Consents - Class B	D	O	£	650.00	£	-	£	650.00	O	£	650.00	£	-	£	650.00	£	-	£	-
Public Protection - Sex Establishment Licences - Application for new licence	D	O	£	3,698.00	£	-	£	3,698.00	O	£	3,698.00	£	-	£	3,698.00	£	-	£	-
Public Protection - Sex Establishment Licences - Application for renewed licence	D	O	£	2,698.00	£	-	£	2,698.00	O	£	2,698.00	£	-	£	2,698.00	£	-	£	-
Public Protection - Sex Establishment Licences - Application for transfer	D	O	£	100.00	£	-	£	100.00	O	£	100.00	£	-	£	100.00	£	-	£	-
Scrap Metal Dealers Site Licence	D	O	£	494.00	£	-	£	494.00	O	£	494.00	£	-	£	494.00	£	-	£	-
Scrap Metal Dealers Collectors Licence	D	O	£	315.00	£	-	£	315.00	O	£	315.00	£	-	£	315.00	£	-	£	-
Scrap Metal Dealers Site Licence - Renewal	D	O	£	408.00	£	-	£	408.00	O	£	408.00	£	-	£	408.00	£	-	£	-
Scrap Metal Dealers Collectors Licence - Renewal	D	O	£	262.00	£	-	£	262.00	O	£	262.00	£	-	£	262.00	£	-	£	-
Scrap Metal Dealers Site Licence - Variation	D	O	£	112.00	£	-	£	112.00	O	£	112.00	£	-	£	112.00	£	-	£	-
Scrap Metal Dealers Collectors Licence - Variation	D	O	£	112.00	£	-	£	112.00	O	£	112.00	£	-	£	112.00	£	-	£	-
Registration - Approved Premises Regulations - Request for Review	D	O	£	620.00	£	-	£	620.00	O	£	620.00	£	-	£	620.00	£	-	£	-
Registration - Approved Premises Regulations - Application for Approval	D	O	£	2,000.00	£	-	£	2,000.00	O	£	2,000.00	£	-	£	2,000.00	£	-	£	-

3 February 2021	ITEM: 6
Licensing Committee	
National Taxi Standards and Taxi Policy	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams –Licensing Manager	
Accountable Head of Service: Leigh Nicholson – Assistant Director Planning, Transport and Public Protection	
Accountable Director: Andrew Millard - Director of Place	
This report is: Public	

Executive Summary

The DFT have published the Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, this report considers these standards and brings together the Council’s policies and procedures into one policy document, reviewing areas of our existing policy to ensure that the minimum standards are met, ready for consultation with the taxi trade and stakeholders.

- 1. Recommendation(s)**
 - 1.1 To note the Statutory Taxi and Private Hire Vehicle Standards.**
 - 1.2 Consider the revised policy and any changes that the Statutory Taxi and Private Hire Vehicle Standards have required.**
 - 1.3 To agree that the revised policy go out for consultation, with any consultation responses being reported back to this committee for further consideration.**

- 2. Introduction and Background**
 - 2.1 In July 2020 the Department for Transport Published its Statutory Taxi and Private Hire Vehicle Standards which sets out the minimum standards for licensing authorities to apply with regards to certain aspects of taxi licensing, and is attached as **Appendix A**.
 - 2.2 The main aspects of the standards are:

- Administering the licensing regime including a local licensing policy.
 - Decision making including training of decision makers.
 - Gathering and sharing information. Including the use of the Disclosure and Barring Service (DBS) checking process, and sharing of information with other licensing authorities
 - Fit and proper test including relevance of criminal convictions
 - Minimum requirements for driver licensing.
 - Criminality checks for vehicle licence holders
 - CCTV in vehicles
 - Criminality checks for operator licences
 - Operator record keeping requirements
- 2.3 Thurrock Council has a number of policies, procedures and conditions that relate to the licensing of Hackney Carriage Vehicles and Drivers, Private Hire Vehicles, Drivers and Operators.
- 2.4 In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on Taxi and Private Hire vehicle licensing. A single policy document titled Hackney Carriage and Private Hire Licensing Policy has been created, attached as **Appendix B**, which has incorporated the below existing documentation. A summary of the changes to the existing documents is also provided.
- 2.5 **Appendix C**, Statements of Policy and Guidelines relating to the relevance of Convictions, Formal/Simple Cautions, Complaints and /or other matters. This Policy has been replaced by the assessment of previous convictions provided in the standards. The motoring convictions standard has been expanded to give more definition, which is in line with the Institute of Licensing guidance on previous convictions as well as the inclusion of convictions that are relevant to taxi licensing offences.
- 2.6 **Appendix D**, Private Hire Driver Conditions. These conditions have been updated to reflect the timeframe and scope that notifications of convictions etc. need to be made to Council. The driver dress code has also been updated.
- 2.7 The current driver's licence pre application requirements are as follows:
- be aged 21 or over
 - have held a UK or EU driving licence for at least 3 years
 - have the right to work in the UK.
 - have no relevant convictions or have been determined by the licensing sub-committee to be a fit and proper person.
 - be medically fit to DVLA Group 2 Standard.
 - pass a knowledge test of roads and landmarks in Thurrock
 - pass a PATS training course
 - undertaken the Council's CSE and safeguarding training

2.8 The additional pre licensing requirements have been added which is in line with the standards:

- Sign up to the DBS update service (after the initial DBS check has been completed).
- The requirement for a Certificate of Good Conduct has been updated to be in line with the national standards.
- Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of hackney carriage and private hire licence.
- Have met the Council's Language proficiency requirements.

2.9 Consideration of the method of assessment for language proficiency is still being investigated. It is proposed that people that hold a recognised qualification that has been taught in English will meet this standard. For those that do not have a qualification, they will need to participate in an assessment process via an approved assessment centre subject to local availability.

2.10 **Appendix E**, Private Hire Operator Conditions. These conditions have been updated to reflect the revised records that need to be kept and the requirement to check the suitability of employees against the council's suitability criteria.

2.11 The Private Hire Operator pre licensing requirements also now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council), with a fit and proper test being applied to the applicant.

2.12 **Appendix F**, Hackney Carriage and Private Hire Vehicle specification and licence conditions remains unchanged at this time. A full review of this section of the policy will be undertaken this year, with consideration being given around the promotion of the use of electric and hybrid vehicles.

2.13 The vehicle proprietor pre licensing requirements now includes the requirement to provide a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council), with a fit and proper test being applied to the applicant.

2.14 As part of this review interested parties will be consulted with including licence holders and their representatives, and the public.

3. Issues, Options and Analysis of Options

3.1 The Council as a Licensing Authority must comply with the National Standards unless it has good reason not to do so. In order to meet the recommendation that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and

private hire vehicle licensing the existing policies and procedures have been updated to reflect the requirements of the national standard.

- 3.2 Changes to Council policy will come into immediate effect for new licence applicants once the policy is adopted. Changes to suitability criteria around criminal convictions will also be applied with immediate effect to existing licence holders. Changes around training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed.

4. Reasons for Recommendation

- 4.1 Adoption of the policy is a Full Council function,
- 4.2 This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Full Council for adoption.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation on the draft policy will be undertaken. All licence holders will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.
- 5.2 Consultation will also been undertaken with other stakeholders such as disability access groups, safeguarding and transport professionals.
- 5.3 The draft policy will also be published on the Council's website for comments.
- 5.4 The consultation period will run for 6 weeks. Any relevant representations made will be reported to this committee to consider those before referral to Full Council for adoption

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

There are no financial implications for Thurrock Council.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The granting of Licences is a legal function of the authority and the introduction of the national standards by the Department of Transport must be applied to the Council's policies and procedures unless there is good reason not to do so. The final policy will need to be adopted by Full Council.

7.3 Diversity and Equality

Implications verified by: **Rebecca Lee**
Team Manager, Community Development and Equalities

The revision of the policy has been required by the Department for Transport national standards. A revised Community and Equality Impact Assessment should be undertaken before the final policy is published. There are no Diversity and Equality Implications at this stage.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Statutory Taxi and Private Hire Standards.
- IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

9. Appendices to the report

- **Appendix A** - Department for Transport, Statutory Taxi and Private Hire Vehicle Standards.
- **Appendix B** – Draft Hackney Carriage and Private Hire Licensing Policy.
- **Appendix C** – Statements of Policy and Guidelines relating to the relevance of Convictions, Formal/Simple Cautions, Complaints and /or other matters.
- **Appendix D** - Private Hire Driver Conditions
- **Appendix E** – Private Hire Operator Conditions

- **Appendix F** - Hackney Carriage and Private Hire vehicle specification

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Licensing Team, Public Protection



Hackney Carriage and Private Hire Licensing Policy

April 2021 – April 2026

Draft – January 2021.

Contents

Section	Contents	Page
1	Introduction	2
2	Decision Making	
3	Failure to Disclose Information	
4	Complaint Against Licence Holders	
5	Drivers Licences	
6	Operator Licence	
7	Vehicle Licences	
8	Appendices	
Appendix A	Assessment of Previous Convictions	
Appendix B	Agreed Medical Examination Providers	
Appendix C	Approved Safeguarding and Child Sexual Exploitation Awareness Training	
Appendix D	Approved Disability Awareness Training courses and providers	
Appendix E	Approved Language Proficiency Assessment providers	
Appendix F	Policy on the NR3 Database	
Appendix G	Knowledge Test	
Appendix H	Scheme of Delegation	
Appendix J	List of Consultees for this policy	
Appendix K	Useful Documents	

1. Introduction

- 1.1. The overriding aim of Thurrock Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one cohesive document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in Thurrock.
- 1.3. Each case will always be considered on its merits having regards to this policy. Thurrock Council will only depart from this policy where it considers appropriate to do so. This will normally happen where Thurrock Council considers that there are exceptional circumstances which warrant a different decision.
- 1.4. This policy came into effect on the XXXXXXXXXX 2021 and will be reviewed every 5 years, or sooner should there be a significant issue in Borough, or reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix H.
- 1.6. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will be stated in this policy against the requirement.

2. Decision Making

- 2.1. The taxi and Private Hire Vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer.
- 2.2. Thurrock Council's Scheme of Delegation is attached as Appendix H
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Thurrock Council Constitution is published on the [Council's website](#).
- 2.4. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Members and Officers. This training will at least meet the minimum requirements of the DFT standards. Member training requirements and obligations are contained within the Council Constitution.

3. Failure to Disclose Information

- 3.1. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.
- 3.2. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

4. Complaints against licence holders

- 4.1. Complaints about licence holders will be recorded on the Council's database. All complaints will be investigated, and appropriate action taken, which may include, no further action, a written warning, referral to a licensing sub-committee for consideration, or suspension or revocation of the licence.
- 4.2. A pattern of complaints about a licence holder may be sufficient on the balance of probabilities to take more formal action than an individual complaint may warrant alone.
- 4.3. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to conviction may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

5. Driver Licences

5.1. Overview

- 5.1.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Thurrock Council, must hold the relevant driver's licence that is also issued by Thurrock Council.
- 5.1.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.
- 5.1.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).
- 5.1.4. In determining if a person is "fit and proper", this authority will consider the updated expression "safe and suitable" and will largely apply the test:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'
- 5.1.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

5.2. Duration of Licences

- 5.2.1. A Driver's licence will normally be issued for a three year duration.
- 5.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, such as when the applicant has requested a one year licence or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

5.3. Pre-Licensing Requirements

- 5.3.1. To qualify for a driver's licence you must:
 - Be aged 21 or over.
 - Hold a full DVLA or equivalent driver's licence for at least 3 years.
 - Have the right to work in the UK.
 - Submit a fully completed application form.
 - Be subject to an Enhanced DBS check
 - Sign up to the DBS update service (after the initial DBS check has been completed).
 - If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.

- Have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence.
- Have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard.
- Have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria.
- Have passed the Council's Knowledge Test.
- Have met the Council's approved disability awareness training requirements.
- Have met the Council's Language proficiency requirements.
- Have paid the licence fee (please see current fees list).

5.4. Disclosure and Barring Service (DBS) Check

- 5.4.1. An enhanced DBS check must include a check of the children and adult barred Lists (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2).
- 5.4.2. Licence holders should maintain their DBS Certificate through the DBS Update service continuously through the duration of their licence, failure to do so is likely to lead to the immediate suspension of the licence.
- 5.4.3. Existing licence holders will need to undertake a new enhanced DBS check and maintain their DBS Certificate within 6 months from the implementation of this policy, or at the next renewal of their licence if that is sooner.

5.5. Assessment of Previous Convictions

- 5.5.1. The criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.
- 5.5.2. Appendix A sets out the council's criteria for assessing previous convictions for all driver applications and licence holders.

5.6. Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

- 5.6.1. A check of the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence (NR3 database) will be made for every licence application.
- 5.6.2. The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked or suspended by any other licensing authority.
- 5.6.3. Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant's fitness to be licensed.
- 5.6.4. Thurrock Council's policy on how we use the NR3 Database can be found at Appendix F

5.7. Medical Fitness Criteria

- 5.7.1. Up to the age of 70 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every three years, or any lesser period that the examining doctor may decide.
- 5.7.2. Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
- 5.7.3. All medical examinations will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.
- 5.7.4. All medical examinations must be undertaken at one of the Council's agreed medical examination providers as in Appendix B

5.8. Safeguarding and Child Sexual Exploitation Awareness Training

- 5.8.1. All new applicants must have undergone the council's approved Safeguarding and Child Sexual Exploitation Awareness Training before a licence is granted.
- 5.8.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.8.3. The Council's approved Safeguarding and Child Sexual Exploitation Awareness Training courses and providers are detailed in Appendix C.

5.9. Disability Awareness Training

- 5.9.1. All new applicants must have undergone the council's approved Disability Awareness Training before a licence is granted.

- 5.9.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.
- 5.9.3. The Council's approved Disability Awareness Training courses and providers are detailed in Appendix D.
- 5.9.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.10. Language Proficiency Requirements

- 5.10.1. All new applicants must undertake the Council's language proficiency assessment before a licence will be granted. This assessment will cover both oral and written English language skills.
- 5.10.2. Existing licence holders will need to undertake this assessment within 12 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 5.10.3. The Council's approved language proficiency assessment process and providers are detailed in Appendix E.
- 5.10.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.11. Knowledge Test

- 5.11.1. The Council's Knowledge Test is an electronic test that covers different sections as set out in Appendix G.
- 5.11.2. An application fee allows a maximum of 4 attempts at the knowledge test.
- 5.11.3. There is a fee for additional tests that must be paid for before the test is taken.
- 5.11.4. If you are not successful on a particular test, you will only be expected to answer questions on the sections you did not previously pass.

5.12. Conditions

- 5.12.1. The non-compliance with a licence condition may lead to revocation or suspension of a licence for this reason alone.

5.13. Private Hire Driver Conditions

- 5.13.1. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to licensing@thurrock.gov.uk
- 5.13.2. Any of the following events in respect of licence holder must be reported by email to licensing@thurrock.gov.uk within 48 hours giving full details:
 - a) Any charge or conviction
 - b) Any caution (issued by the Police or any other agency)

- c) An arrest and release for any offence (whether or not charged)
 - d) Issue of any fixed penalty notice for any matter;
 - e) Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar.
 - f) Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence.
- 5.13.3. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
- 5.13.4. No person shall, being the driver of a Private Hire Vehicle, without reasonable excuse:
- a) Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.
 - b) Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog.
 - c) No person shall, being the driver of a Private Hire Vehicle, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair.
- 5.13.5. A driver shall not refuse to carry fewer persons than the number marked on the plate.
- 5.13.6. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
- 5.13.7. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall:
- a) Unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
 - b) When picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 5.13.8. A driver shall:
- a) Convey a reasonable quantity of luggage;
 - b) Afford reasonable assistance in loading and unloading such luggage.
- 5.13.9. If the Private Hire Vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means:
- a) When the hirer enters the vehicle;
 - b) When the driver has attended at an appointed place and has made their presence known to the hirer.
 - c) When the driver has presented themselves at an appointed place at a specified time.

- 5.13.10. The driver of a Private Hire Vehicle shall at all times when the vehicle is hired:
- a) Take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle;
 - b) Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).
- 5.13.11. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 5.13.12. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
- 5.13.13. The driver shall not demand from any hirer of a Private Hire Vehicle a fare greater than that agreed with the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.13.14. The driver of a Private Hire Vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Civic Offices, New Road, Grays, and deposit it there.

6. Private Hire Operator Policy and Conditions

6.1. Overview

- 6.1.1. For the safety and protection of the public, Private Hire Operators within Thurrock must have a licence issued by Thurrock Council. The licence permits you to accept bookings for Private Hire work.
- 6.1.2. If you intend to take bookings from an operating base situated outside Thurrock, you must apply for an Operator's licence from the appropriate local council.
- 6.1.3. The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 6.1.4. Private Hire Vehicle Operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.
- 6.1.5. Failure to comply with any condition of the licence may be grounds for revocation of the licence for that reason alone.

6.2. Duration of Licences

- 6.2.1. An Operator licence will normally be issued for a five year duration.
- 6.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, when the licensee has request it or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

6.3. Suitability of applicant/licence holder

- 6.3.1. A Private Hire Vehicle Operator licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 6.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.
- 6.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a Private Hire Vehicle Operator licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

6.4. Pre Licensing Requirements

- 6.4.1. To apply for a Private Hire Operator licence you need to submit the following:
 - A completed application form
 - Have the right to work in the UK.
 - A basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
 - If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
 - The fee (please see current fees list)

6.5. Conditions

- 6.5.1. Existing licence holders will need to be compliant with all the below condition within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 6.5.2. **General Conditions**
 - 6.5.2.1. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.

6.5.2.2. The Licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to licensing@thurrock.gov.uk immediately within 48hrs of the change.

6.5.3. [Criminality Checks/reporting Convictions and Other Relevant Matters](#)

6.5.3.1. The licence holder must complete a basic disclosure from the DBS annually (unless the licence holder is also a licensed driver with Thurrock Council - Should the individual cease to hold a driver licence a basic certificate will be required immediately)

6.5.3.2. Any of the following events in respect of licence holder, director or partner must be reported by email to licensing@thurrock.gov.uk within 48 hours giving full details:

- Any conviction (criminal or driving matter)
- Any caution (issued by the Police or any other agency)
- Issue of any Magistrate's Court summons against them
- Issue of any fixed penalty notice for any matter;
- Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar
- Their arrest for any offence (whether or not charged)

6.6. [Booking and Dispatch Staff](#)

6.6.1. An up-to-date register of all staff that take bookings or dispatch vehicles must be kept. This record shall be produced on request to any Authorised Officer of the Council or to any Constable for inspection.

6.6.2. When being added to the register, all individuals must have provided a recently issued (within 3 months) Basic DBS. This should be compatible with the Operator's policy on employing ex-offenders. Alternatively the Operator could use a 'responsible organisation' to request the check on their behalf.

6.6.3. A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

6.6.4. Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any convictions while they are employed in this role.

6.6.5. The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.

6.6.6. Operators may outsource booking and dispatch functions, however Operators have an obligation to protect children and vulnerable adults and they must evidence that comparable protections are applied by the company to which they outsource these functions.

6.6.7. Operators or applicants for a licence must provide to the Licensing Authority, their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a Private Hire Vehicle Operator's licence, those with a conviction for offences provided in the annex to this document (Appendix A – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

6.7. Record Keeping

6.7.1. Operators must record the following information for each booking:

- the name of the passenger
- the time of the request
- the pick-up point
- the destination
- the name of the driver
- the driver's licence number
- the vehicle registration number of the vehicle
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle

6.7.2. Records must be retained for a minimum of twelve months

6.8. Use of passenger carrying vehicles (PCV) licensed drivers

6.8.1. A Driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) such as a minibus to undertake a Private Hire Vehicle booking is not permitted without the informed consent of the booker. Where a Private Hire Vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

7. Vehicle Licences

7.1. Overview

7.1.1. The objective of vehicle licensing is to protect the public, who trust that vehicles dispatched are above all else safe. It is important therefore that Thurrock Council is assured that those granted a vehicle licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles used to carry passengers are properly licensed and so maintain the safety benefits of the licence regime.

7.2. Duration of Licences

7.2.1. A Vehicle licence will only be issued for a one year duration.

7.3. Suitability of the Applicant/Licence Holder

7.3.1. Private Hire Vehicle licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.

7.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.

7.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; this decision will be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

7.4. Pre Licensing Requirements

7.4.1. To apply for a Private Hire Vehicle licence you need to submit the following:

- A completed application form
- A basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
- If any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided.
- The fee (please see current fees list)
- The original V5C vehicle registration certificate (log book), which must be in the applicants name and current address
- The bill of sale
- A MOT and compliance check
- A valid insurance certificate
- The old licence plate and window card (if renewing the licence)

7.4.2. Existing licence holders will need to comply with the above basic disclosure requirement within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

7.5. Vehicle specification and conditions including CCTV.

7.5.1. For the purpose of this consultation there are no changes proposed to the existing vehicle specification or conditions. These will be subject to review later this year. The existing documents will be added to this policy document for completeness.

Appendix A – Assessment of Previous Convictions

1. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
2. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
3. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
4. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

1. Crimes resulting in death.

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

2. Exploitation.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

3. Offences involving violence against the person.

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Possession of a weapon.

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

5. Sexual offences.

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

6. Dishonesty.

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

7. Drugs.

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

8. Discrimination.

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

9. Motoring convictions.

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Drink driving/driving under the influence of drugs.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11. Using a hand-held device whilst driving.

Where an applicant has a conviction for using a held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

12. Hackney Carriage and Private Hire offences.

Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13. Vehicle use offences.

Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Appendix B- Agreed Medical Examination Providers

The following medical providers are approved by the Council to undertake a medical examination to the group 2 standards for licence holders and applicants.

- The GP surgery at which the applicant /licence holder is registered.
- Aveley Medical Centre
- Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

Appendix C - Approved Safeguarding and Child Sexual Exploitation Awareness Training

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Safeguarding and Child Sexual Exploitation Awareness Training licence holders and applicants.

- Thurrock Council's Safeguarding and Child Sexual Exploitation Awareness Training for Taxi Drivers

Appendix D - Approved Disability Awareness Training courses and providers

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Disability Awareness Training.

- Passenger Assistant Training Scheme (PATS) - The Community Transport Association (CTA) published a list of PATS Training Suppliers, which you can download from the [CTA: Passenger Assistant Training suppliers by county](#) web page.

Appendix E– Approved Language Proficiency Assessment providers

The following providers are approved by the Council to satisfy the licensing requirements for assessment of language proficiency.

- To be agreed.
- <https://tfl.gov.uk/info-for/taxis-and-private-hire/english-language-requirement>

Appendix F - Policy on the NR3 Database

Policy to be inserted.

<https://www.thurrock.gov.uk/sites/default/files/assets/documents/nr3-policy-v01.pdf>

Appendix G - Knowledge Test

The Knowledge test is a multiple choice electronic test that is split into 6 sections, and consists of 55 questions lasting for a maximum of 50 minutes.

	Topic	Description	Pass mark
1	Highway code 10 questions	Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking and are similar to questions asked on the DVLA theory test.	Hackney Carriage: 10 Private Hire: 9
2	Road signs 5 questions	Road signs that you need to recognise.	All: 5
3	Places of interest 10 questions	Landmarks such as pubs, clubs, restaurants, schools, churches, and public buildings you need to be aware of.	Hackney Carriage: 9 Private Hire: 7
4	Routes 15 questions for Hackney Carriage drivers only	You'll be expected to select the shortest route between 2 places in the borough. It'll be assumed that there are no roadworks, blockages or anything to stop you going by the direct route. You should note things like roundabouts, no entry signs and one-way streets when giving your answer.	Hackney Carriage: 13 Private Hire: not taken
5	Conditions and law 10 questions	Conditions relate to both Hackney Carriages and Private Hire Vehicles and drivers.	All: 10
6	Numeracy 5 questions	Questions relate to the cost of fares and the change you must give the customer.	All

Appendix H – Scheme of Delegation

- To be added.

Appendix J – List of Consultees for this policy

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- To be added to.

Appendix K - Useful Documents

- [Statutory Taxi and Private Hire Standards](#) – July 2020
- [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#) –March 2010
- [IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) – April 2018
- [Licensing authority guide to right to work checks](#) – 23 January 2018
- [Overseas Criminal Record Checks Guidance](#) – December 2020
- [Assessing fitness to drive – a guide for medical professionals](#) – February 2020
- [Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance](#) – February 2017
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Licensing Authorities](#) – 15 September 2010
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Drivers and Operators](#) – 15 September 2010
- [DPTAC \(Disabled Persons Transport Advisory Committee\) position on taxis and PHV](#) – August 2020
- [Government Response to report of the task and finish group on taxi and private hire vehicle licensing.](#) – February 2019
- [Guidance for Operators of stretch limousines](#) – March 2011
- [Coronavirus \(COVID-19\):taxis and PHVs](#) -12 January 2021
- [Licensing motorcycles and private hire vehicles](#) – July 2012
- [Private Hire Vehicle Licensing guidance note](#) – August 2011
- [Councillor Handbook: Taxi and PHV Licensing](#) – November 2017
- [Developing an approach to mandatory CCTV in taxis and PHVs](#) – January 2019



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices	8
Duration of licences	9
Whistleblowing.....	9
Consultation at the local level	10
Changing licensing policy and requirements	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service	12
The Disclosure and Barring Service Update Service	13
Common Law Police Disclosure	13
Licensee self-reporting	13
Referrals to the Disclosure and Barring Service and the Police	14
Working with the Police	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees	17
Overseas convictions	17
5. Decision Making	19
Administration of the licensing framework	19
Training decision makers.....	19
The regulatory structure	20
Fit and proper test	21
Criminal convictions and rehabilitation	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation	24
Language proficiency	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines	28
8. Private Hire Vehicle Operator Licensing	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping	31
Use of passenger carrying vehicles (PCV) licensed drivers	31
9. Enforcing the Licensing Regime	33
Joint authorisation of enforcement officers	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions	35
Annex – Disclosure and Barring Service information	37
Annex – CCTV Guidance	38
Annex - Staying Safe: Guidance for Passengers	40

1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator licence also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.



Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
2. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
3. In considering evidence of an individual's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal and/or other matter(s) is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, and/or other matter(s), the individual's age when the offence was committed and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
4. If an applicant has ever lived outside the UK for a period of more than 4 continuous weeks, other than for a holiday, they will also need to supply a 'Certificate of Good Conduct' from the relevant embassy.
5. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual.
6. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
7. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

Failure to Disclose Information

8. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.

9. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, FORMAL/SIMPLE CAUTIONS, AND /OR OTHER MATTERS

10. Each case will be decided on its own merits.
11. For the purpose of these guidelines formal and simple cautions and endorsable fixed penalties will be treated as though they were convictions.
12. Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines. In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.
13. Restorative justice is increasingly used by the police as a less formal way of dealing with issues as an alternative to the criminal court system. The Council recognise that restorative justice should not be dealt with as though it were a conviction, but that it can be taken into consideration, when deciding if a person is a 'fit and proper' to hold a licence.
14. Where any offence has resulted in a term of imprisonment, the time periods given will run from the date that the applicant was released from prison, not from the date of conviction.
15. Where an applicant has been subject to a bind over, restraining order or similar, imposed by a court, no application will normally be considered until a period of at least 6 months has elapsed from the period of any such order finishes.
16. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
17. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, 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. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
18. A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.

19. The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

a) Dishonesty

Drivers of hackney carriage 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 to the care of drivers both for their own safety and for fair dealing. Passengers may include vulnerable people.

For these reasons a serious view is taken of any conviction(s) involving dishonesty. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s) or offence(s) which replace the below offences, and the conviction is less than 3 years ago

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit Fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (eg producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception

b) Violence

- i. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences:
 - a. Murder
 - b. Manslaughter
 - c. Manslaughter or culpable homicide while driving
- ii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 10 years ago:
 - a. Arson
 - b. Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - c. Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - d. Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - e. Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - f. Robbery
 - g. Possession of firearm

- h. Riot
 - i. Assault Police
 - j. Common assault with racially or religiously aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - k. Violent disorder
 - l. Resisting arrest
- iii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 5 years ago:
- a. Racially or religiously -aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - b. Racially or religiously -aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - c. Racially or religiously -aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
 - d. Racially or religiously -aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - e. Racially or religiously -aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
 - f. Racially or religiously -aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- iv. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 3 years ago:
- a. Common Assault
 - b. Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
 - c. Affray
 - d. S5 Public Order Act 1986 offence (harassment, alarm or distress)
 - e. S.4 Public Order Act 1986 offence (fear of provocation of violence)
 - f. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - g. Harassment – breach of restraining order – on conviction Protection from Harassment Act 1997 s.5(5)+s.5(6)
 - h. Obstruction
 - i. Possession of offensive weapon
 - j. Criminal damage

c) Drugs

- i. An application will normally be refused where an applicant has an isolated conviction for an offence related to the possession of drugs in the previous 3 years.
- ii. An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs in the previous 5 years.

- iii. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs in the previous 5 years.
- iv. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d) Sexual and Indecency Offences

- i. Any conviction for an offence of a sexual nature or involving indecency will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.
- ii. As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- iii. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually 7 years) free from any such conviction.
- iv. If an applicant has been placed on the Sex Offenders Register then the period of seven years shall run from the date of removal from that register. Under no circumstances will an application be accepted from any person still on the register.
- v. Where there is more than one conviction for this type of offence, or the conviction has arisen as the result of the use or operation of a licensed vehicle in the course of public or private hire, the application will normally be refused.

e) Drunkenness

- i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to be refused.

- ii. With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

f) Safeguarding of Vulnerable Groups

Where an applicant is included on the Children's or Adult's Barred Lists of the Independent Safeguarding Authority, no application for grant of a licence will be entertained whilst they remain on either list.

Where an applicant has been on either barred list and subsequently removed from it, no application will be entertained until seven years have elapsed after removal from the list.

g) Counter Terrorism

Any conviction for an offence of relating to counter terrorism will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.

MOTORING CONVICTIONS

20. MAJOR TRAFFIC OFFENCES

One Conviction

Where an applicant has one Major Traffic Offence, within the last 2 years, the application will normally be refused.

Two or more Convictions

Where an applicant has more than one Major Traffic Offences in the previous 5 years, the application will normally be refused.

Disqualification

If any conviction for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit

DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle
TT99	Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

21. INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.

One Conviction

An isolated Intermediate Traffic Offence need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

Two or more Convictions

Where an applicant has more than one Intermediate Traffic Offences in the previous 12 months, the application will normally be refused.

Disqualification

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
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
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16). Or similar offences or offences which replace the above offences.

22. MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Two or less Convictions

Where an applicant has two or less Minor Traffic Offences in the previous 12 months, the application will normally be granted with a letter of warning being placed on the file.

Three or more Convictions

Where an applicant has more than two Minor Traffic Offences in the previous 12 months, the application will normally be refused.

Disqualification

If any conviction for a Minor Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16) Or similar offences or offences which replace the above offences.

23. DISQUALIFICATION

a) **Disqualification – Major Traffic Offence**

An application will generally be refused unless a period of 3 years has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

b) **Disqualification – Intermediate Traffic Offence**

An application will generally be refused unless a period of 2 years has elapsed from the restoration of the DVLA licence.

c) **Disqualification – Minor Traffic Offence**

An application will generally be refused unless a period of 1 year has elapsed from the restoration of the DVLA licence.

24. SPENT CONVICTIONS

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction(s).

25. VEHICLE FITNESS

If a licensed driver is found to be repeatedly driving unfit vehicles, that driver will be considered responsible and as a result will be referred to the Licensing Sub-Committee.

26. COMPLAINTS

All complaints will be kept on file. If a driver receives a complaint, an investigation will take place and, following that investigation, they may be referred to the Licensing Sub-Committee.

If a driver receives several complaints of a similar nature, they will be referred to the Licensing Sub-Committee.

27. OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence if (s)he has been convicted of an offence under the Acts in the previous 2 years or has more than one conviction within the last 5 years.

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THURROCK COUNCIL

Private Hire Driver Conditions

PRIVATE HIRE DRIVER CONDITIONS

1. A licence holder, on changing his address, shall notify the Council of such change within seven days.
2. The licence holder shall notify the Council of any conviction against him/her immediately in writing after the conviction has been imposed.
 - (a) Following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence, that DVLA licence must be produced to the Licensing Authority within seven days of its return from the DVLA, court or fixed penalty office following the endorsement of the offence.
 - (b) In the event that the licence holder is charged or summonsed for any alleged criminal offence, then within seven days of being charged or of receipt of the summons, he shall report the fact in writing to the Licensing Authority giving the particulars of each alleged offence and in which court the proceedings are pending.
3. Medical Fitness:
 - (a) Up to the age of 70 years, private hire drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every three years, or any lesser period that the examining doctor may decide.
 - (b) Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.
 - (c) Drivers over the age of 70 years are required to produce documentary evidence of an additional eyesight test, such evidence to be dated six months prior to the date of application.
 - (d) All medical examinations will be at the expense of the individual driver. Thurrock Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.
4. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
5. No driver, licensed or not, shall act as a private hire driver without consent of the proprietor.
6. No person shall, being the driver of a private hire vehicle, without reasonable excuse:
 - (a) Refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.

- (b) Refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog.
 - (c) No person shall, being the driver of a private hire vehicle, charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair.
- 7. A driver shall not refuse to carry fewer persons than the number marked on the plate.
- 8. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.
- 9. The driver of a private hire vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall:
 - (a) Unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place.
 - (b) When picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 10. A driver shall:
 - (a) Convey a reasonable quantity of luggage;
 - (b) Afford reasonable assistance in loading and unloading such luggage;
 - (c) When requested by the hirer, afford reasonable assistance in removing such luggage to or from the entrance of any building, station or place at which he may pick up or set down such person.
- 11. If the private hire vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means:
 - (a) When the hirer enters the vehicle;
 - (b) When the driver has attended at an appointed place and has made their presence known to the hirer.
 - (c) When the driver has presented themselves at an appointed place at a specified time.
- 12. The driver of a private hire vehicle shall at all times when the vehicle is hired:
 - (a) Take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle;
 - (b) Be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s).

- (c) The wearing of vests or singlets and sports gear, such as football shirts and tracksuits is prohibited. Shorts may be worn in hot weather only if properly tailored and of sufficient length when the driver is seated as not to offend against decency. Brightly coloured or highly decorated shorts of a style more appropriate as beach/holiday wear are also prohibited.
13. The driver of a private hire vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
 14. Once a private hire vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
 15. The driver shall not demand from any hirer of a private hire vehicle a fare greater than that agreed with the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
 16. The driver of a private hire vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Civic Offices, New Road, Grays, and deposit it there against receipt from the Officer in charge.

**This Licence was issued to the above named individual on the
This Licence is issued subject to the following conditions:-**

- (i) The holder of the Licence shall notify the Council's Authorised Officers, Civic Offices, New Road, Grays, Essex in writing of any change in his address and the operating centre.**
- (ii) The holder of this Licence shall not cause or permit the display of the word "TAXI" or "CAB" on any private hire vehicle operated by the holder.**
- (iii) The holder of this Licence shall to the satisfaction of the Licensing Authority keep a proper record and shall enter therein before commencement of each journey the following particulars of every booking of a private hire vehicle invited or accepted by the holder whether by accepting the same from the hirer or by undertaking it at the request of another operator -**
 - (a) Name and address of hirer**
 - (b) Date and time of hire**
 - (c) The address or point at which the hire will commence**
 - (d) Destination**
 - (e) Number of passengers and fare paid**
 - (f) The licence number of the vehicle making the journey**
 - (g) The driver of the vehicle making the journey**

Such a record shall be produced on request to any Authorised Officer of the Council or to any Constable for inspection.
- (iv) A permanent record must be kept giving full details of all maintenance undertaken to each vehicle and at what mileage. Such a record shall on request be produced to an Authorised Officer of the Thurrock Borough Council or any constable for inspection. All records to be kept for a period of not less than TWELVE months following the date of the last entry.**
- (v) The Operator of any Private Hire Vehicle Licensed by the Thurrock Borough Council shall report to their Authorised Officer as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to such Private Hire Vehicle causing damage materially affecting the safety, performance or appearance of the Private Hire Vehicle or the comfort or convenience of the passengers carried therein.**
- (vi) This Licence must not be altered or defaced in any way by the Licensee.
If vehicles are to be added or deleted it must be returned to the Licensing Authority for this purpose.**
- (vii) The Private Hire Vehicles operated under this licence are restricted to those by his servant or agent. The vehicles authorised for this purpose are those listed on the attached schedule or such other vehicles as may be so authorised in writing by the Council upon application by the licence holder.**
- (viii) This Licence is liable to revocation, suspension or curtailment by the Thurrock Borough Council on any of the grounds set out in Section 62 of the Local Government (Miscellaneous Provisions) Act 1976**

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Thurrock Council

Hackney Carriage and Private Hire Vehicle specification and licence conditions

Hackney carriage vehicle licence

Pre-licensing standards

1. The vehicle must:

- 1.1. Be wheelchair accessible with 8 or less passenger seats. Those Hackney Carriage proprietors whose vehicles were a saloon, estate or multi-passenger vehicle on 1 February 2014 will be permitted to replace their vehicle with a vehicle that is not wheelchair accessible, if the licence is transferred to a new proprietor then any replacement vehicle thereafter must be a wheelchair accessible vehicle.
- 1.2. When first submitted for licensing, must be less than 4 years of age.
- 1.3. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.4. Any vehicle accepted for licensing as a Hackney Carriage Vehicle, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Hackney Carriage Vehicle and to the manufacturers specification have:
 - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16½").
 - 1.6.2. Seats (length): The length of the seat from the back to the front edge must be a minimum of 43cm (17")
 - 1.6.3. Knee Space: The measurement between the rear of the front seats and the back of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
 - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted.)
- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 1.10. Have accommodation for not less than 4 passengers.

- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
 - 1.13.1. In London style vehicles, the area next to the driver shall be deemed to be the luggage space and no provision for seating shall be permitted there.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

2. Wheelchair Accessible Vehicles

- 2.1. Any proprietor who has a Hackney Carriage Vehicle licence for a wheelchair accessible vehicle, must in future, only replace the vehicle with a wheelchair accessible vehicle.
- 2.2. Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles are rear loading on 1 February 2014 shall replace their vehicle with a vehicle that is side loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age.
- 2.3. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

3. Minibus and Multi Passenger Vehicles

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

4. Tinted Windows

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced.

5. Taximeter

- 5.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration

of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

6. LPG Vehicles

- 6.1. A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:
 - 6.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
 - 6.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
 - 6.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
 - 6.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
 - 6.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

7. Vehicle Inspections

- 7.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Hackney Carriage Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.
- 7.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - 7.2.1. Upon initial application (regardless of the age of the vehicle)
 - 7.2.2. Annually in respect of vehicles up to 5 years old.
 - 7.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
 - 7.2.4. Four monthly in respect of vehicles over 8 years old

8. Production of Documentation

- 8.1. All applicants for a Hackney Carriage Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):
 - 8.1.1. A current MOT test certificate

- 8.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.
- 8.1.3. An insurance certificate or cover note, which expressly indicates cover for public hire.
- 8.1.4. The vehicle registration document showing the applicants name and address.
- 8.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

Hackney carriage vehicle licence

Conditions of licence

1. Pre Licensing Standards

- 1.1. Satisfy the Hackney Carriage Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. The extinguisher must be located in a secure and easily accessible position, in the boot or front cab of the vehicle. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type.

NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.

- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
 - 3.1.1. The vehicle window card licence.
 - 3.1.2. The tariff card supplied by the Council shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling inside the vehicle
 - 3.1.3. "No Smoking" signs shall be displayed on both rear passenger door windows.

4. Exterior Signs

- 4.1. The proprietor shall ensure that:
 - 4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Hackney Carriage shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.
 - 4.1.2. The Hackney Carriage plate shall not be concealed from public view or defaced in any way.

- 4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Hackney Carriage vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.
- 4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.
- 4.1.6. A roof sign capable of being illuminated and showing to the front and rear the word "TAXI" the light for which should automatically be extinguished when the taxi meter is engaged. London style and other taxis with signs forming an integral part of the roof are acceptable.

5. Trailers and Roof Boxes

- 5.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to tow a trailer provided that:
 - 5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).
 - 5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 5.2. A proprietor of a licensed Hackney Carriage vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

6. CCTV

- 6.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to install CCTV provided that:
 - 6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

7. Advertising

- 7.1. A proprietor of a Hackney Carriage shall ensure that the display of advertising materials is restricted to the following:
 - 7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.
 - 7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.

- 7.1.3. All product advertising must be professionally applied and no reflective materials may be used.
- 7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.1.5. Internal advertising is permitted subject to approval by the Council.
- 7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

8. Vehicle Inspections

- 8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - 8.1.1. Upon initial application (regardless of the age of the vehicle)
 - 8.1.2. Annually in respect of vehicles up to 5 years old.
 - 8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
 - 8.1.4. Four monthly in respect of vehicles over 8 years old
- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

9. General Conditions

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.

- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. Whilst a vehicle is licensed as a Hackney Carriage vehicle and at all times, whether plying for hire or not shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.6. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

10. Taximeter

- 10.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.
NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.
- 10.2. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Council.
- 10.3. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.
- 10.4. The operation of the taximeter shall accord with any byelaws made by the Council.
- 10.5. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required. Thurrock Council staff may seal meters after each inspection.

11. Animals and the Carriage of Assistance Dogs

- 11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- 11.2. Any animal belonging to or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.
- 11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, hearing dogs, other assistance dogs, dogs for the disabled, support dogs and canine partners for independence.

- 11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
- 11.4.1. Guide dogs for the blind
 - 11.4.2. Hearing dogs
 - 11.4.3. Dogs for the disabled
 - 11.4.4. Support dogs (e.g. epilepsy)
- 11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 11.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

12. Documentation

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
- 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

13. Accidents / Vehicle Damage / Theft

- 13.1. The proprietor of any Hackney Carriage vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.
- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e. vandalism. Notification must be reported within 72 hours of such damage.

13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

14. Byelaws and Regulations

14.1. The proprietor shall ensure that any driver complies with the Council's Bylaws and Conditions.

14.2. The proprietor should make themselves familiar with statutory requirements in relation to Hackney Carriage Licensing in the Town Police Clauses Act 1847 (as amended), Public Health Acts 1875 and 1936 and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

15. Surrender of Licence

15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.

15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

16. Appeals

16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Hackney Carriage licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:

16.1.1. Appeal against conditions imposed on a Hackney Carriage Proprietor's licence (to the Magistrates Court); and

16.1.2. Appeal against refusal to grant a Hackney Carriage Proprietor's licence (to the Crown Court)

Private hire vehicle licence

Pre-licensing standards

1. The vehicle must:

- 1.1. When first submitted for licensing, must be less than 4 years of age.
- 1.2. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.3. Speciality vehicles, classic vehicles and limousines can be more than 4 years of age at first point of licensing and will have no upper age limit, but must be subject to testing at a frequency according to age. These vehicles will also be exempt from other further requirements which may not be applicable to the vehicle type, at the discretion of the Licensing Department.
- 1.4. Any vehicle accepted for licensing as a Private Hire Vehicle after, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Private Hire Vehicle and to the manufacturers specification have:
 - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").
 - 1.6.2. Seats (length): The length of the seat from the squab to the front edge must be a minimum of 43cm (17")
 - 1.6.3. Knee Space: The measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
 - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted or on speciality vehicles.)
- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 1.10. Have accommodation for not less than 4 passengers.

- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be provided separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

2. Wheelchair Accessible Vehicles

- 2.1. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

3. Minibus and Multi Passenger Vehicles

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

4. Tinted Windows

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced. The only exceptions to that are likely to be considered are for vehicles with a plate exemption or limousines.

5. Taximeter

- 5.1. If a taximeter is fitted it:
 - 5.1.1. Shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Taxi Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

6. Vehicle Inspections

- 6.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Private Hire Vehicle licence in order to ascertain that the vehicle conforms to all current

legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

6.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

6.2.1. Upon initial application (regardless of the age of the vehicle)

6.2.2. Annually in respect of vehicles up to 5 years old.

6.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.

6.2.4. Four monthly in respect of vehicles over 8 years old

7. Production of Documentation

7.1. All applicants for a Private Hire Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):

7.1.1. A current MOT test certificate

7.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.

7.1.3. An insurance certificate or cover note, which expressly indicates cover for private hire and reward.

7.1.4. The vehicle registration document showing the applicants name and address.

7.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

8. LPG Vehicles

8.1. A Private Hire proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:

8.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.

8.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

8.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.

8.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.

8.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

Private hire vehicle licence

Conditions of licence

1. Pre Licensing Standards

- 1.1. Satisfy the Private Hire Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type. NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.
- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
 - 3.1.1. The vehicle window card licence.
 - 3.1.2. "No Smoking" signs shall be displayed on both rear passenger door windows.

4. Exterior Signs

- 4.1. The proprietor shall ensure that:
 - 4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Private Hire Vehicle shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.
 - 4.1.2. The Private Hire plate shall not be concealed from public view or defaced in any way.
 - 4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Private Hire vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.

- 4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.
- 4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.

5. Trailers and Roof Boxes

- 5.1. A proprietor of a licensed Private Hire vehicle will be permitted to tow a trailer provided that:
 - 5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).
 - 5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.
- 5.2. A proprietor of a licensed Private Hire vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

6. CCTV

- 6.1. A proprietor of a licensed Private Hire vehicle will be permitted to install CCTV provided that:
 - 6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

7. Advertising

- 7.1. A proprietor of a Private Hire vehicle shall ensure that the display of advertising materials is restricted to the following:
 - 7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.
 - 7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.
 - 7.1.3. All product advertising must be professionally applied and no reflective materials may be used.
 - 7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
 - 7.1.5. Internal advertising is permitted subject to approval by the Council.

- 7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

8. Vehicle Inspections

- 8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - 8.1.1. Upon initial application (regardless of the age of the vehicle)
 - 8.1.2. Annually in respect of vehicles up to 5 years old.
 - 8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
 - 8.1.4. Four monthly in respect of vehicles over 8 years old
- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

9. General Conditions

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. No passenger under the age of 16 shall be permitted to use any side facing seat at any time.

- 9.6. On vehicles with side facing seats, notices must be displayed inside the vehicle in a prominent position advising that persons under the age of 16 must not be seated in a side facing seat.
- 9.7. Whilst a vehicle is licensed as a Private Hire vehicle and at all times, shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.8. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage / Private Hire driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.
- 9.9. A Private Hire proprietor who makes provisions for the acceptance of bookings for a Private Hire vehicle, by advertising a private telephone number and/or mobile number and accepts pre-booked fares, whether or not on a Private Hire circuit, requires a Private Hire Operators Licence. This does not preclude a proprietor carrying the business cards of a properly licensed operator for whom he/she is working.

10. Taximeter

- 10.1. Where a Private Hire vehicle is fitted with a taximeter:
 - 10.1.1. The operation of the taximeter shall accord with any Pre Licensing Standards and Conditions made by the Council.
 - 10.1.2. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Private Hire Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.
NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.
 - 10.1.3. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Private Hire Operator.
 - 10.1.4. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.

11. Animals and the Carriage of Assistance Dogs

- 11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.
- 11.2. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.

- 11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.
- 11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
 - 11.4.1. Guide dogs for the blind
 - 11.4.2. Hearing dogs
 - 11.4.3. Dogs for the disabled
 - 11.4.4. Support dogs (e.g. epilepsy)
- 11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 11.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

12. Documentation

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
 - 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

13. Accidents / Vehicle Damage / Theft

- 13.1. The proprietor of any Private Hire vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.

- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e. vandalism. Notification must be reported within 72 hours of such damage.
- 13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

14. Regulations

- 14.1. The proprietor shall ensure that any driver complies with the Council's Pre Licensing Standards and Conditions of Licence.
- 14.2. The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing. These are available at a public library or via the internet.

15. Surrender of Licence

- 15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

16. Appeals

- 16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
 - 16.1.1. Appeal against conditions imposed on a Private Hire Proprietor's licence (to the Magistrates Court); and
 - 16.1.2. Appeal against refusal to grant a Private Hire Proprietor's licence (to the Crown Court)

Appendix A – CCTV Installation in Private Hire and Hackney Carriage Vehicles

Introduction

These guidelines set out to ensure that CCTV systems in Thurrock Council licensed Hackney Carriages and Private Hire Vehicles (both referred to in this document as Taxis) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi drivers and passengers.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside or outside of the vehicle having the technical capability of capturing and retaining either or both visual images or audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi driver and passengers by:

1. deterring and preventing the occurrence of crime
2. reducing the fear of crime
3. assisting the Police in investigating incidents of crime
4. assisting insurance companies in investigating motor vehicle accidents

General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements can be installed into licensed Taxis.

CCTV systems installed in Taxis will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via:

<https://ico.org.uk/for-organisations/guide-to-data-protection-1998/encryption/scenarios/cctv/>

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Camera Design Requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi or PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event. A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:

- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card; or

- where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed taxi must register with the ICO (Notification) and obtain documented evidence of that registration.

This documentary evidence will be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the

contractual arrangements may be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

Use of information recorded using CCTV

The data controller is responsible for complying with all relevant data protection legislation.

The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police, Thurrock Council's Licensing Department or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

All Taxis with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Contact Details

The name and the contact telephone number of the Data Controller must be included on the sign.

Signage for external facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Note

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline complies with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

Appendix B – Trailers used with Private Hire vehicles or Hackney Carriage Vehicles

Private Hire vehicles or Hackney Carriage vehicles licensed by the Thurrock Council are permitted to tow trailers providing the following conditions are complied with at all times:-

1. The licensed towing vehicle's insurance must cover the towing of a trailer.
2. Trailers must not be left unattended anywhere on the highway.
3. The speed restrictions applicable to trailers must be observed at all times.
4. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
5. The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
6. The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
8. Only those trailers that comply with the following conditions will be permitted to be towed by a licensed vehicle.
 - a. Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
 - b. A licensed vehicle trailer application form must have been completed and the trailer must receive initial approval by a Licensing Officer.
 - c. When initial approval is granted (unless brand new), and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at any of Thurrock Council Approved Garages.

The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test.
 - d. A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved.
 - e. An additional licence plate will be issued for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
 - f. Un-braked trailers shall be less than 750 kilograms gross weight.
 - g. Trailers over 750 kilograms gross weight shall be braked acting on at least two road wheels.

- h. The towing vehicle must have a sufficient maximum train weight, this is shown on the VIN plate – any vehicle that does not display a train weight on the VIN should not be used for towing.
- i. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight, this should be made available when the vehicle is inspected at an Authorised Garage.
- j. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- k. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.55 metres.
- l. The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- m. The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- n. The trailer's full frame must be made of galvanised steel with a straight drawbar.
- o. The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Department and Road Traffic legislation.

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