

Blackpool Council

19 February 2016

To: Councillors Brown, G Coleman, Cox, Humphreys, Hunter, Hutton, Maycock, Mitchell, Owen, Roberts, Ryan, Scott, Singleton and L Taylor

The above members are requested to attend the:

LICENSING COMMITTEE

Tuesday, 1 March 2016 at 6.00 pm
in Committee Room A, Town Hall, Blackpool, FY1

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 27TH OCTOBER 2015 (Pages 1 - 2)

To agree the minutes of the last meeting held on 27th October 2015 as a true and correct record.

3 REVIEW OF STATEMENT OF POLICY PRINCIPLES- GAMBLING ACT 2005 (Pages 3 - 34)

To consider the proposed revised Statement of Policy and Principles under the Gambling Act 2005 and whether to hold consultation on this document.

4 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 35 - 110)

Further to the consultation previously undertaken to consider the proposed Hackney Carriage and Private Hire Licensing Policy.

5 HORSE DRAWN HACKNEY CARRIAGE LICENSING POLICY (Pages 111 - 146)

To consider proposals from the Scrutiny review of Horse Drawn Hackney Carriages and consider whether it is necessary to review and update the Council's Horse Drawn Hackney Carriage Licensing Policy.

6 STREET COLLECTION REGULATIONS (Pages 147 - 156)

To consider amendments to the Street Collection Regulations for Blackpool.

7 DATE OF NEXT MEETING

To note the date of the next meeting as the 25th May 2016.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Hutton (in the Chair)

Councillors

G Coleman

Hunter

Ryan

L Taylor

Cox

Maycock

Scott

T Williams

Humphreys

Owen

Singleton

In Attendance:

Lennox Beattie, Executive and Regulatory Manager

Sharon Davies, Head of Licensing Service

Mark Marshall, Licensing Health and Safety Enforcement Manager

Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

Councillor G Coleman declared a Prejudicial Interest in Item 4 Hackney Carriage and Private Hire Licensing Policy, the nature of the interest being that he held a Private Hire Driver's Licence.

2 MINUTES OF THE LAST MEETING HELD ON 15TH SEPTEMBER 2015

Resolved:

That the minutes of the meeting held on the 15th September 2015 be approved and signed by the Chairman as a correct record.

REVISED STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005

The Committee considered the revised Statement of Gambling Policy. It was noted that following the meeting of the Committee on the 15th September 2015 a brief period of consultation had taken place and two representations had been received by the deadline of the 23rd October 2015 from Coral's and from Gosschalks Solicitors on behalf of the Association of British Bookmakers. Mrs Davies explained that in light of these representations that it was now recommended that the policy be amended to clarify that the Licensing Authority would always have regard to the three Licensing Objectives set out in the Gambling Act 2005 and to further emphasise at page 8 what the Licensing Authority would and would not consider in looking at the suitability of locations for gambling premises.

MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 27 OCTOBER 2015

Mrs Davies reminded the Committee that a full review of the Statement of Licensing Policy would be undertaken in 2016 using the recently issued Gambling Commission guidance. This statement of Licensing Policy was therefore an updated version of the current statement to ensure that the Council still had a policy when it expired.

Resolved:

1. To note the two representations that have been received.
2. To approve the revised content of the proposed policy and recommend it for approval to the Executive for recommendation to Council.

4 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee considered a proposal to revise the Hackney and Carriage and Private Hire Licensing Policy.

In response to questions Mrs Davies explained a separate policy was being developed for horse drawn hackney carriages and that this policy would be brought to a future meeting of the Committee.

Resolved:

To agree the content of the draft policy and to approve a twelve week consultation period with the trade and other interested parties.

(Councillor G Coleman having declared a prejudicial interest left the meeting for this item and did not take part in the voting or debate)

Chairman

(The meeting ended 6.20pm)

Any queries regarding these minutes, please contact:
Lennox Beattie Executive and Regulatory Manager
Tel: 01253 477157
E-mail: lennox.beattie@blackpool.gov.uk

Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	1 st March 2016

REVIEW OF STATEMENT OF POLICY AND PRINCIPLES- GAMBLING ACT 2005

1.0 Purpose of the report:

- 1.1 To consider the proposed revised Statement of Policy and Principles under the Gambling Act 2005 and whether to hold consultation on this document.

2.0 Recommendation(s):

- 2.1 To consider a revised statement of policy and principles under the Gambling Act 2005 attached at Appendix 3a.
- 2.2 To approve a twelve week period of consultation on this document from the 14th March 2016.

3.0 Reasons for recommendation(s):

- 3.1 The Council is required to have a Statement of Licensing Policy and a formal consultation period is a requirement

The Statement has been revised taking into account the revised guidance from the Gambling Commission and best practice.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

To retain the current Statement of Policy and Principles under the Gambling Act 2005.

4.0 Council Priority:

4.1 The relevant Council Priority is

“The economy – maximising growth and opportunity across Blackpool”

5.0 Background Information

5.1 The Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish every three years a Statement of Policy which outlines the principles it will following in exercising its functions under the Act. The current policy came into effect on 31 January 2016.

5.2 As the process of reviewing the policy in 2015 was delayed due to the late arrival of revised statutory guidance from the Gambling Commission, the Council approved a minor review of the policy at that time on the understanding that a full review would take place as soon as the guidance became available.

5.3 Officers have now undertaken a full review of the statement of policy and principles under the Gambling Act 2005 in line with the revised statutory guidance and the draft revised policy can be found at Appendix 3a.

5.4 The main changes to the policy (other than layout) proposed are:

- Local risk assessments
- Information on the local area profile
- General standards expected from all gambling premises
- Standards expected from specific types of premises

5.5 If approved by the Licensing Committee a full twelve week consultation will take place with the public and the trade.

5.6 Does the information submitted include any exempt information? No

5.7 List of Appendices:

Appendix 3a: Draft Statement of Policy and Principles for consultation

6.0 Legal considerations:

6.1 The Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish a statement of licensing policy every three years. The Act also requires the Council to have regard to the Gambling Commission's guidance when preparing its statement of policy.

7.0 Human Resources considerations:

7.1 There are no Human Resources considerations.

8.0 Equalities considerations:

8.1 There are no equalities considerations.

9.0 Financial considerations:

9.1 There are no financial implications arising from the recommendations contained in this report. The costs of consultation will be met from the existing Licensing budget.

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

12.1 The Deputy Leader of the Council (as the relevant Portfolio Holder) has been consulted on the proposals.

13.0 Background papers:

13.1 None

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Appendix 3a: DRAFT STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005.

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1 Purpose and Scope of the Licensing Policy

1.1 Introduction

The Gambling Act 2005 (the Act) requires every licensing authority to publish a statement of principles that it proposes to apply in exercising its functions under the Act every three years. Whilst this policy sets out a general approach to making licensing decisions each application will be considered on its own individual merits. In producing this document the Council has had regard to the licensing objectives, the guidance issued by the Gambling Commission and any responses from those consulted on this policy statement.

When exercising most of its functions under the Gambling Act 2005, the licensing authority will have regard to the licensing objectives set out in section 1 of the Act:

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

1.2 Scope of policy

This policy covers the functions of the licensing authority under the Act which include:

- Responsibility for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue of provisional statements;
- Regulation of members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue of club machine permits to commercial clubs;
- Granting of permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receiving notifications from alcohol licensed premises for the use of up to two gaming machines;

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- Issuing licensed premises gaming machine permits for premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
 - Registering small society lotteries below prescribed thresholds;
 - Issuing permits for prize gaming;
 - Receiving temporary use notices;
 - Receiving occasional use notices;
 - Providing information to the Gambling Commission on licences issued; and
 - Maintaining registers of permits and licences issued

The Council does not licence large society lotteries, remote gambling through websites or the National Lottery. These are regulated by the Gambling Commission.

Nothing in this policy will:

- override the right of a person to make an application and have it considered on its merits
- override the right of any person to make representations on an application or seek review of a licence where provided for under the Gambling Act 2005.

1.3 Duration and Review

This policy takes effect on XXXX and will remain in force until 30th January 2018. During this time the policy will be subject to regular review and will be updated and modified as necessary to take into account amongst other things changes in licensing legislation.

1.4 Other regulatory regimes

Gambling premises will have obligations placed on them by other regulatory regimes for example Health and Safety. The licensing authority intends not to duplicate other legislation or regulatory regimes wherever possible.

1.5 Exchange of Information

Licensing authorities are allowed to exchange information with other persons /bodies for use in the exercise of their functions under the Act.

The names and addresses of those making representations will normally be shared with the applicant to enable discussions to take place between the parties to resolve or reduce the areas of dispute.

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail.

1.6 Data Protection and Freedom of Information

Blackpool Council will abide by the Data Protection Act and Freedom of Information Act in respect of safeguarding and releasing information or data.

Data Protection Act

This act requires that data must be:

- Processed fairly and lawfully
- Obtained and used for lawful and specified purposes
- Adequate and relevant for those purposes
- Accurate and where necessary kept up to date
- Kept only for as long as necessary
- Accessible to the data subject
- Kept securely

In this context of the Gambling Act this means that Blackpool Council will only retain information that relates to the processing of applications for licences, permits, permissions and representations. This information will only be retained for the period of time it is needed for processing.

Applications and representations are documents which are in the public domain and are therefore available on request and may be published on the website as part of the information supplied if a hearing is arranged, or on the public register.

Information will also be shared with other regulators or persons if this is prescribed by the Secretary of State.

Freedom of Information Act

The Freedom of Information Act allows anyone to request access to information. These requests are normally made in writing either by email or letter. In certain circumstances a fee may be required or we may ask for more specific information. Requests will be dealt with within 20 working days and the information will be released if possible. If it is not possible to release the information an explanation will be provided together with details of how a complaint can be made to the Information Commissioner. The information will be released in the format requested unless it is in the public interest not to do so.

1.7 Responsible Authorities

A full list of responsible authorities designated under the Act and their up to date contact details can be found in our guidance notes to making an application.

The licensing authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. In making this decision the following principles have been applied:

- The competency of the body to advise the authority;
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons rather than any particular invested interest group

The licensing authority designates Blackpool Council's Children's Service for this purpose.

1.8 Interested Parties

Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

“...a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the licensing authority which issues

the licence or to which the application is made, the person lives sufficiently close to the premises to be likely to be affected by the authorised activities, has business interests that might be affected by the authorised activities or represents a person who satisfy paragraphs (a) or (b)”

In determining whether a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the licensing authority will consider the following factors:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises
- The catchment area of the premises (how far people are likely to travel to visit it); and
- Whether the person making the representation has a business interest in that catchment area that might be affected

The names and addresses of those making representations will normally be shared with the applicant to enable discussions to take place between the parties to resolve or reduce the areas of dispute.

1.9 Delegations

It is normal practice in routine, uncontested decisions for the Council to authorise a senior officer to deal with the matter on their behalf. In this way the Council can discharge its functions in an efficient manner and avoid delay.

The table in Appendix A sets out the delegated functions under the Gambling Act 2005.

2 The Licensing Objectives

The licensing authority is determined that the residents of, and visitors to Blackpool should be provided with high quality well managed venues for betting and gaming, whilst reducing the risk of crime and disorder and protecting children and the vulnerable. For these reasons the licensing authority will expect detailed plans from operators to show how the objectives will be met.

“Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime”

The Gambling Commission takes a lead role in preventing gambling from being a source of crime by vetting applicants for personal and operator licences. The licensing authority will however look at the location of the proposed premises in terms of this licensing objective. Where an area is known for having high levels of crime or disorder the licensing authority will consider whether the premises are suitable to be located there and whether conditions such as the provision of door supervisors may be required.

There is a distinction between disorder and nuisance. Complaints about nuisance cannot be resolved through the Gambling Act 2005 however it may be possible to address problems of this nature through other types of legislation.

Factors such as whether police assistance was required and how threatening the behaviour was will be considered in determining whether the incident was disorder or nuisance.

“Ensuring that gambling is conducted in a fair and open way”

The Licensing Authority will not normally be concerned with ensuring that gambling is conducted in a fair and open way as this will ordinarily be addressed by the Gambling Commission through the granting of personal and operating licences.

“Protecting children and other vulnerable persons from being harmed or exploited by gambling”

This can mean preventing children from taking part in or being in close proximity to gambling.

There is no definition of the term “vulnerable person” but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment or to the use of alcohol and/or drugs.

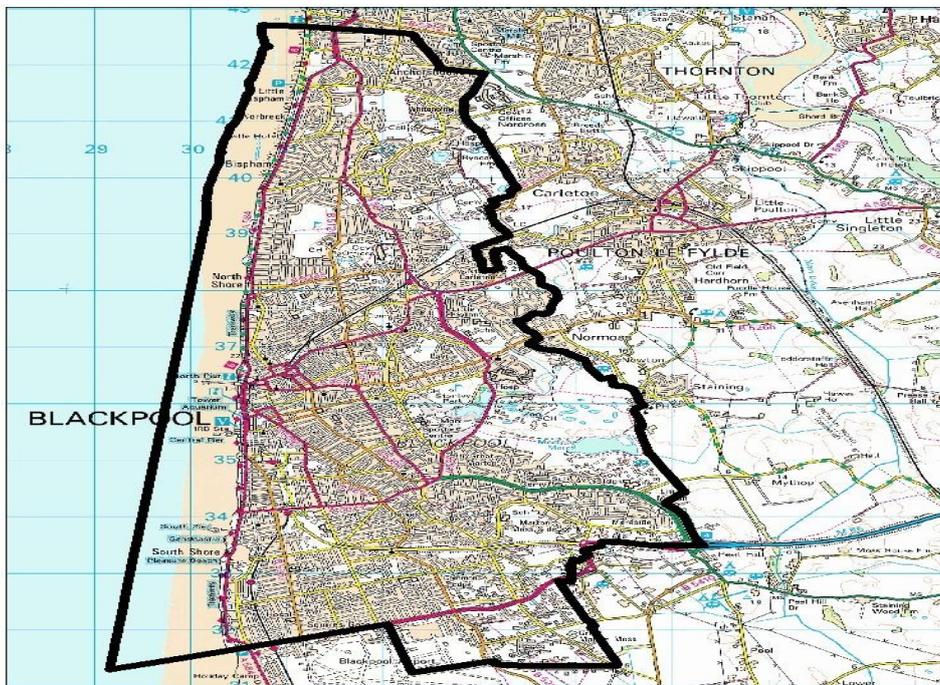
Location – where the Licensing Authority is satisfied that there is sufficient evidence to demonstrate that the location of the premises would be harmful to the licensing objectives they will use this evidence to inform their decision on whether to grant the licence, grant the licence with conditions or refuse the licence.

Design – where access by children is permitted to all or part of the premises the design should be capable of demonstrating how access by children will be prevented.

Social responsibility – the protection of children and young persons from being harmed or exploited by gambling is of significant concern, the Licensing Authority would expect to see the list of measures that will be taken to protect children as well as the assistance that would be made available to those with gambling problems.

3 Blackpool Profile

This policy covers the administrative area of Blackpool as detailed below



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Blackpool Council
Organisational Change Unit
Tourism & Regeneration Department
P O Box 77, Corporation Street,
Blackpool, FY1 1AD
corporatetp@blackpool.gov.uk



Title: Map with Blackpool Borough Boundary
Scale: 1:50000
Date: 20/06/2006 Printed by: RW

3.1 Location

Blackpool is a large seaside town located in Lancashire County in North West England. Blackpool is a Unitary Authority and covers an area of 13.46 square miles. Blackpool boundary sits within the urban area stretching along the Fylde Coast, and is one of the most densely populated authorities in the UK outside London.

The predominantly rural areas of Wyre and Fylde are located on the northern/ eastern edge and eastern/ southern edge of the Borough boundary respectively.

3.2 Demographics

The population of Blackpoolⁱ is estimated at 141,400, with a larger proportion of residents aged 60+ compared to national age structure. Residents are mostly of White British ethnicity. Black and Minority Ethnic groups, including Irish and European residents, are estimated to make up 6% of the population approximately 8500 people, compared with the estimated proportion for England of 20%.

Population Demographics			
Age ⁱⁱ		Blackpool	England
	Aged 0-17 years	21%	21%
	Aged 18-24 years	9%	9%
	Aged 25-59 years	45%	47%
	Aged 60+	26%	23%
Ethnicity ⁱⁱⁱ			
	White British	94%	80%
	White Other e.g. European, Irish	3%	6%
	Mixed/multiple ethnic groups	1%	2%
	Asian/Asian British	2%	8%
	Black/African/Caribbean/Black British	0.2%	3%
	Other ethnic group	0.2%	1%
Tenure ^{iv}			
	Owned or Shared Ownership	62%	64%
	Social Rented	11%	18%
	Private Rented	26%	17%

4 Premises Licences

4.1 Introduction

The Licensing Authority's primary obligation is to permit the use of premises in so far as it thinks that is:

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Policy

Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005, associated regulations and mandatory and default conditions. Licensing authorities are able to exclude default conditions and attach other conditions if it is believed that they are necessary and proportionate.

Each application will be considered on its own merits. Demand or need for premises of a particular type is not something which the licensing authority can take into account. Other factors that cannot be taken into account are moral/ethical objections, a general dislike of gambling, nuisance issues or the likelihood of planning/building regulation approval.

4.2 Local Risk Assessments

From 6th April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that all premises licence holders assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Premises licence holders must also have procedures and control measures in place to mitigate these risks. When undertaking a risk assessment the operator must take into account relevant matters identified in this licensing policy.

A risk assessment must be completed when applying for a new premises licence and should be reviewed and updated:

- To take account of significant changes in local circumstances, including those identified in this policy;

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- When there are significant changes at the premises that may affect the mitigation of local risks;
 - When applying for a variation of the premises licence

As a minimum the risk assessment should include:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of the area;
- The demographics of the area with reference to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

4.3 Local Area Profile

To give assistance to operators completing risk assessments the licensing authority can produce a local area profile to highlight the character and challenges in specific areas. The local area profile for Blackpool can be obtained from the Licensing Service.

Applicants should give careful consideration to the local area profile when submitting an application. Whilst the licensing authority cannot insist that the local area profile is used when completing a risk assessment an applicant who fails to do so may face additional representations and the expense of a hearing as a result.

4.4 Conditions

Premises licences issued under the Gambling Act 2005 are subject to the mandatory and (unless excluded) default conditions made by the Secretary of State. They are also subject to the Licence Conditions and Codes of Practice issued by the Gambling Commission. Whilst the licensing authority can add additional conditions to a licence this power will only be used where there are clear reasons for doing so. Conditions will only be attached to licences if they are necessary and proportionate.

Any condition imposed will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of the premises; and
- Reasonable in all other respects

The licensing authority will avoid imposing conditions which duplicate matters already subject of regulation by the Gambling Commission.

Decisions on individual conditions will be made on a case by case basis.

There are conditions which cannot be attached to a premises licence. These are:

- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence conditions;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required; and
- Conditions relating to stakes, fees, winnings or prizes.

4.5 Door Supervisors

In some cases there may be a need for door supervisors in terms of protection of children or preventing the premises from becoming a source of crime. The authority will only impose a condition requiring the use of door supervisors if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

The licensing authority acknowledges the following:

- It cannot make a condition that door supervisors at casinos or bingo premises must be licensed by the Security Industry Authority (SIA). Where a requirement for door supervisors is identified in a casino or bingo hall the licensing authority will determine specific requirements for door supervisors working at these venues on a case by case basis;
- For premises other than casinos or bingo halls door the licensing authority may require door supervisors to be registered with the SIA but it will not automatically assume that they need to be; and
- There is no evidence that the operation of betting offices has required door supervisors for the protection of the public.

4.6 Multiple Licences

The Licensing Authority when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes will take into account that the third licensing objective seeks to protect children from being harmed by

gambling. In practice this means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling. Furthermore entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not “drift” into a gambling area.

Measures that may be required for such buildings may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult specific areas.

The authority will wish to ensure that where category C machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by staff or the licence holder; and
- At the entrance to and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

4.7 Provisional Statements

A provisional statement is a process which allows a developer to discover whether a building they expect to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence, but it does give an indication that a licence would be granted.

In terms of representations about a premises licence application following the grant of a provisional statement, no further representations from the responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

a) Which could not have been raised by objector at the provisional licence stage; or

b) Which in the authority's opinion reflect a change in the operator's circumstances.

When determining an application for a provisional statement the licensing authority will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

4.8 General standards for all gambling premises

High standards are expected from operators of gambling premises within the Borough to ensure the promotion of the licensing objectives.

The licensing authority will place a high priority on social responsibility. In exercising its statutory powers, the authority will have due regard, where relevant, to the need to:

- Prevent gambling related problems in individuals and groups at risk of gambling addiction;
- Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- Protect vulnerable groups from gambling related harm.

The licensing authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the authority's objective to aim to permit the use of premises for gambling.

Knowledgeable and well trained staff

The management and customer-facing staff in premises licensed under the Gambling Act are expected to have sufficient knowledge to be able to tackle risks associated with the type of gambling taking place and to know how to promote responsible gambling. Staff should be aware of:

- The importance of social responsibility
- The causes and consequences of problem gambling
- How to identify and communicate with vulnerable persons and how to intervene when a customer may be gambling beyond their means or more than they would like
- How to deal with the exclusion of problem gamblers
- How to refuse entry

-
- Age verification procedures, how to challenge persons and the need to return stakes/withdraw winnings if an under-age person is found to be gambling
 - The information required to be entered into the incident log

Self-exclusion scheme

All premises should operate a self-exclusion scheme. This should include a written agreement drawn up in accordance with the relevant code of practice and trade association advice.

Layout and access

Premises should ensure that appropriate systems and procedures are in place to ensure that:

- Those who have self-excluded are not admitted
- Under 18s are not admitted (where appropriate)

Where under 18s are not permitted on the premises there should be prominent signage at each entrance to this effect and there should be a scheme such as Challenge 21 or 25 in place.

Where people under eighteen years of age are permitted entry to some parts of a premises, for example licensed family entertainment centres, attention should be given to the layout of premises to ensure that under 18s do not gain access to restricted areas. These restricted areas should be suitably monitored.

Where category C or above gaming machines are available in premises to which persons under eighteen years of age are admitted it is expected that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance;
- Only adults will be permitted entry into the area where the machines are located;
- Access to the area is supervised by staff of the operator or licence holder;
- At the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under eighteen years of age.

Where several licences are in place for one premises, or the licence covers only part of the premises, operators must give careful consideration to layout to ensure that children and young people do not gain access to areas used for gambling and are not in close proximity to gambling.

Staff to customer ratio

Sufficient staffing numbers should be in place at all times that the premises are open to the public. The appropriate staffing level for a particular premises should be determined as part of the risk assessment process.

4.9 Specific types of premises

Casinos

Casinos offer the chance for multiple participants to take part in a game competing against the house or to back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

Blackpool has a number of casinos which were licensed under the Gaming Act 1968. These now have the benefit of converted casino premises licences.

Bingo Premises

If children are allowed into premises licensed for bingo it is important that they are not allowed to participate in gambling. Where category C or above machines are available on the premises to which children are admitted the licensing authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Adult Gaming Centre

As entry to these premises is age restricted the licensing authority will expect to see sufficient measures to ensure that those under the age of 18 do not have access.

The licensing authority would encourage applicants to voluntarily offer their own measures to promote the licensing objectives including:

- Proof of age scheme
- CCTV
- Supervision of entrances

Licensed Family Entertainment Centre

This type of premises usually offer a range of amusements including Category D gaming machines suitable for all ages together with a separate adult only section for Category C gaming machines. Licensed family entertainment centres can make available an unlimited number of Category C and D machines.

Where Category C or above machines are made available in premises to which children are admitted, the licensing authority must be satisfied that:

- All such machines are located in an area separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. Rope, floor or similar markings will not be sufficient for this purpose. It is recommended that any division should be a permanent barrier of at least one metre high
- Only adults are admitted to where the Category C machines are located
- Access to the area where the machines are located is supervised at all times
- The area where the machines are located is arranged so that it can be observed by staff; and
- At the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The policies and procedures will be considered on their merits however the licensing authority would normally expect them to include:

- Appropriate measures and training for staff as regards suspected truant children on the premises;
- Measures and training covering how staff would deal with very young unsupervised children being on the premises;
- Measures and training covering how staff would deal with children causing perceived problems on or around the premises;
- The arrangements for supervision of premises either by staff or the use of CCTV

Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place.

All tracks will require a premises licence however, track operators do not require an operating licence from the Gambling Commission as the operator offering betting will hold an operating licence.

Tracks may be subject to one or more premises licence provided each licence relates to a specific area of the track. This may be preferable for any self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young people are permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming machines and betting machines (other than Category D machines) are provided.

Betting premises (other than tracks)

Where gaming machines are provided they should be situated in a location where they can be effectively supervised at all times. Such machines should be located as far away from the entrance to the premises as possible to ensure provide staff with the maximum possible opportunity to challenge those suspected of being under 18 years of age before they start to play on the machine.

The authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. This would be done by adding a condition to a betting premises licence. Before imposing a condition of this nature consideration will be given to:

- The size of the premises
- The physical layout of the premises
- The number of counter positions available for person-person transactions
- The ability of staff to monitor the use of the machines by vulnerable persons.

Travelling Fairs

Travelling fairs have the right to provide an unlimited number of Category D gaming machines and/or equal chance prize gaming without the need for a permit as long as the gaming amounts to no more than an ancillary amusement at the fair. It is for the licensing authority to decide whether this statutory requirement is met.

4.10 Compliance and Enforcement

It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Gambling Act. Equally important is ensuring that premises not licensed to provide gambling activities are prevented from doing so. Once licensed premises will be monitored to ensure that they are complying with their licence conditions and other requirements of the Act. If unlicensed gambling activities are detected the operator will be dealt with in line with the Council's Enforcement Policy.

The principles of good regulation and the Regulator's Code apply to the licensing authority. Inspection and enforcement will be carried out in a transparent, accountable, proportionate and consistent manner. Activities will be targeted on those premises that present a greater risk, have a history of non-compliance with conditions or regulations; or demonstrate poor management practice.

Test purchase operations

The licensing authority conducts test purchase operations to ensure that children are not allowed access to premises or areas where they should not be. The authority will work with

operators that have failed a test purchase for the first time to look at the reasons for the failure and to discuss options for achieving compliance in the future by the adoption of best practice, changes to the layout of the premises or the provision of staff training. The effectiveness of these interventions will be tested during a further test purchase operation. Further failures will be treated more seriously with licence review or prosecution being considered.

4.11 Reviews

Interested parties or responsible authorities can make requests for a review of a premises licence. However it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of:

1. Whether the request for the review is relevant to the matters listed below:
 - In accordance with any relevant code of practice issued by the Gambling Commission;
 - In accordance with any relevant guidance issued by the Gambling Commission;
 - Reasonably consistent with the licensing objectives; and
 - In accordance with the authority's statement of licensing policy
2. Whether the request is frivolous or vexatious;
3. Whether the review will certainly not cause the authority to wish to alter, suspend or revoke the licence; or
4. Whether it is substantially the same as previous representations or requests for review.

In appropriate cases the licensing authority can initiate a review.

5 Statement of principles on permits

5.1 General Considerations

It is possible for gaming machines to be made available for use without the need to apply for a premises licence under the Gambling Act 2005.

Each application will be considered on its merits. Whilst the authority cannot attach conditions to a permit, applications can be refused if the authority feels that the applicant has not demonstrated how they will meet licensing objective concerns. Applicants for permits will be expected to demonstrate:

- The premises are suitable in terms of its layout and access control to ensure there is suitable supervision of the machines and if appropriate that under 18s and vulnerable persons are excluded
- Customer facing staff are trained in responsible gambling, and how to protect children and vulnerable people from being exploited by gambling
- That there is an appropriate staff to customer ratio to enable adequate supervision of the gambling

5.2 Unlicensed Family Entertainment Centre Gaming Machine Permit

Where a premises does not hold a premises licence but wishes to provide Category D gaming machines it may apply to the licensing authority for this permit. This should not be confused with a licensed family entertainment centre which requires a premises licence because it concerns both Category C and D gaming machines.

The applicant for this type of permit must show that the premises will be wholly or mainly used for making gaming machines available for use.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of the policies and procedures will be considered on its own merits. Suitable policies and procedures may include:

- A basic criminal record check for applicant and staff
- Staff training programme to include how to deal with:

-
- Unsupervised very young children being on the premises
 - Children causing/perceived to be causing problems in or around the premises
 - Suspected truant children
 - Safeguarding

The licensing authority will also expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre;
- That the applicant has no relevant conviction (as set out in Schedule 7 of the Gambling Act 2005); and
- That staff are trained to have a full understanding of the maximum stakes and prizes

The licensing authority may not attach conditions to this permit however the application may be refused if the licensing authority is not satisfied that the issues raised above have been addressed in the application.

5.3 Licensed Premises Gaming Machine Permit

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C or D by serving the licensing authority with a notification. This automatic authorisation can be removed by the licensing authority if:

- Provision of the machines is not reasonably consistent with the licensing objectives;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines an application for a licensed premises gaming machine permit would be required. When considering an application the licensing authority will specifically have regard to protection of children and vulnerable persons objective and will expect the applicant to satisfy the licensing authority that sufficient measures will be in place to ensure that under 18s do not have access to adult only machines. Suitable measures may include:

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor the age of machine users;
- Appropriate notices and signage.

When considering an application the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

Where an applicant for additional machines can demonstrate compliance with the Gambling Commission Code of Practice on gaming machines, granting of the application will be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

5.4 Prize Gaming Permit

The licensing authority is concerned that premises with a prize gaming permit will particularly appeal to children and young persons. When considering an application the licensing authority will give significant weight to child protection issues and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence. Suitable policies and procedures may include:

- A basic criminal record check for applicant and staff
- Staff training programme to include how to deal with:
 - Unsupervised very young children being on the premises
 - Children causing/perceived to be causing problems in or around the premises
 - Suspected truant children
 - Safeguarding

In making its decision the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

5.5 Club Gaming and Club Machine Permit

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming or club machine permit. Both permits entitle the holder to provide up to 3 gaming machines of categories B, C or D. A club gaming permit also authorises equal chance gaming and games of chance.

To grant one of these permits the authority must be satisfied that the requirements of a member's club are met:

-
- At least 25 members
 - Be established and conducted “wholly or mainly” for purposes other than gaming, except in the case of certain clubs such as Bridge and Whist club which are permitted by regulations
 - Be permanent in nature
 - Not be established to make commercial profit
 - Be controlled by its members

5.6 Temporary Use Notice

A TUN can only be granted for equal chance gaming to the holder of a relevant operating licence.

5.7 Occasional Use Notice

Occasional use notices apply only to tracks which are described as being premises on any part of which a race or other sporting events take place or is intended to take place. When an OUN is in place a licensed betting operator is permitted to conduct betting on those premises.

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded

Matter to be dealt with	Full Council	Licensing Panel	Officer Delegation
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received /representations withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Review of premises licence		X	
Application for club gaming/club machine permit		Where objections have been made and not withdrawn	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permit		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice			X
Decision to give a counter notice to a TUN		X	

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Date	Version	Amended by	Description of changes

Approved By:

Name	Title	Signature	Date

Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	1 st March 2016

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1.0 Purpose of the report:

1.1 Further to the consultation previously undertaken to consider the proposed Hackney Carriage and Private Hire Licensing Policy.

2.0 Recommendation(s):

2.1 To consider the consultation responses as attached at Appendix 4a.

2.2 To agree the content of the proposed policy at Appendix 4b and recommend its adoption to the Executive.

3.0 Reasons for recommendation(s):

3.1 The Hackney Carriage and Private Hire policy was last revised in 2010 and the Licensing Committee has previously agreed that the policy requires amendments.

The proposed policy attached at Appendix 4b has been amended to address the areas of concern of the Licensing Committee including around Child Sexual Exploitation and also to response to the comments received from the trade on the draft policy.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

Not to endorse the revised policy or to propose further amendments to the revised policy.

4.0 Council Priority:

4.1 The relevant Council Priority is

“The economy – maximising growth and opportunity across Blackpool “

5.0 Background Information

5.1 The Hackney Carriage and Private Hire policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council’s approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.

5.2 The current policy has been in existence since 2010 and the Licensing Committee at its meeting on the 3rd June 2015 requested that officers undertake a full review of the policy in the light of recent cases for example, Rotherham, which had received national publicity.

5.3 In February 2015, the Casey Report into Child Sexual Exploitation (CSE) was published. That report devoted two chapters to taxi licensing and the involvement of taxis in Child Sexual Exploitation. A recent Serious Case Review from Oxford also highlighted the involvement of taxi drivers in Child Sexual Exploitation – on this occasion they were not the perpetrators, however they were used to take young people to places where they were then abused. These reports highlight the importance of ensuring that only suitable people are licensed as drivers and that those who are licensed receive appropriate training on safeguarding issues.

5.4 The Licensing Committee approved a draft policy for consultation at its meeting in October 2015. Consultation took place until 31st January 2016 and the comments received can be found at Appendix 4a.

5.5 The draft policy has been revised taking into account some of the comments received during consultation. The main changes from the draft policy can be summarised as follows:

5.6 Drivers

- Amend the time intervals that medicals are required to align with the DVLA policy on group 2 medicals
- To confirm the adoption of World Host training for applicants for new licences

5.7 Vehicles

- To remove the proposal that all new and replacement multi-seat vehicles carrying 6-8 passengers must be wheelchair accessible
- To confirm the maximum age limit of 14 years
- To confirm the frequency of vehicle testing
- Not to implement a penalty point system

5.8 Does the information submitted include any exempt information? No

5.9 **List of Appendices:**

Appendix 4a – Responses to consultation

Appendix 4b – Proposed Hackney Carriage and Private Hire Policy

6.0 **Legal considerations:**

6.1 None.

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 There will be a possible impact from requiring applicants to demonstrate a basic level of English language. This can however be mitigated by the intention to signpost applicants who cannot meet the required standards to relevant training. This requirement is also considered necessary and proportionate to ensure that drivers are able to communicate effectively with customers and correctly undertake their duties as licensed drivers.

9.0 **Financial considerations:**

9.1 There are no financial considerations.

10.0 **Risk management considerations:**

10.1 None

11.0 **Ethical considerations:**

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Consultation took place until 31st January 2016

13.0 Background papers:

13.1 None



THE NATIONAL PRIVATE HIRE ASSOCIATION

8 Silver Street, Bury, Lancashire BL9 0EX. Tel: 0161-280 2800 Fax: 0161-280 7787 Email: npha@btconnect.com

31 January 2016

Sharon Davies
 Head of Licensing Services
 Blackpool Borough Council
 By email: licensing@blackpool.gov.uk

REF: **NPHA submission to Blackpool Borough Council regarding Hackney Carriage and Private Hire Policy**

Dear Sharon

We have been asked by our member Blacktax Radio Taxis Ltd to submit comments from the National Association in respect of your council's proposed Hackney Carriage and Private Hire Policy. We would ask you to please accept our apologies for the slight delay in submitting this document; we understand that Blacktax has informed you that we would be slightly outside the deadline. Unfortunately our General Secretary Bryan Roland is very ill in hospital and is not able to participate in this exercise, or anything else at present; however, our message to everybody is that it is "business as usual" at this Association, as best possible.

As you know, we have worked with yourselves for a long time, and you will know that any comments or criticisms are offered entirely in a spirit of cooperation; we are hopeful that they will be received accordingly and noted during the consultation process.

We would wish to start by commenting on the council's hackney carriage Byelaws, which form part of the consultation/policy document. Whilst the content of the Byelaws is far from controversial – and in fact is more or less standard with those of a large number of local authorities around the UK – what we would query is the fact that they are quite dated.

By this we are referring specifically to the fact that the Byelaws appear to have been updated on a couple of occasions, the last of which seems to be 1979. However, the seal and signature of the Secretary of State dates from 1961. With the council currently updating its licensing policy across the board, it may behove you to consider undertaking a consolidation exercise on the Byelaws as well.

Looking at the policy document, we shall make our comments and suggestions relevant to the numbered sections in the order they appear in the document. Starting on page 5, under 4.2 Making an Application: The last bullet, "that the applicant has a minimum of three years' post qualification driving experience... or advance driving assessment", strikes us as extremely strict. We understand that this requirement was not in your previous policy. The legislation (LGMPA) has nothing to enforce this requirement, except for "reasonably necessary"... which honestly, is questionable – and would cause major recruitment problems for operators.

Page 8, under Medicals: second paragraph: "Applicants are required to undergo a medical assessment on first application and **every 3 years...**" then annually at 65. Start and finish is correct; however the three-year interval demands too many medicals. DVLA Medical Fitness to Drive Group 2 requirements are: medical on first application, then no more until age 45, then every five years to 65, then annually. That is of course unless the licence holder develops a notifiable medical condition (such as stroke, heart attack etc.)

Page 12, still under Vehicle Specification: With respect, the second paragraph on the page is entirely off the wall – and has caused a great deal of controversy and concern amongst the trade. Firstly, if we understand it correctly, this section reckons to apply to both hackney carriage and private hire vehicles. The Equality Act 2010 has made no provision for either type of vehicle to be 100 per cent wheelchair accessible, so there is no national disability legislation to back this policy. Secondly, the Minister of Transport, Andrew Jones, last month did a U-turn from the original government policy of making all taxis wheelchair accessible; the Government stance for nearly 13 years has been in favour of a mixed fleet of WAVs and saloon taxi provision, as have the EU Ministers.

Thirdly, if the council made wheelchair accessibility a condition for private hire MPVs (for which there is no government legislation to underpin this decision), this would kill off every private hire firm that caters for groups of people as large as seven and eight... they would have to take two taxis/PHVs. We are certain that every private hire firm in town will put in a joint objection to this, as it's a killer of business big style.

We totally appreciate that the council wishes to cater for all users of road transport, including wheelchair bound passengers. However, we believe that to force "all new and replacement multi-seat vehicles capable of carrying six to eight passengers [to be] wheelchair accessible" will obliterate an entire segment of a very important part of Blackpool's market in transport provision. This precept is entirely against the Department for Transport Best Practice guidance where, under "The Role of Licensing: Policy Justification" it states:-

"The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities must also be aware that the public should have reasonable access to taxi and PHV services... Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications."

The major drawback to this proposal is financial: Used eight-seat vehicles are more affordable and readily available than eight-seat wheelchair accessible vehicles. When owners come to replace their eight-seaters and have to purchase a used or – in the majority of cases – a new vehicle, this will not be financially viable and they will replace them with a saloon. This will lead to a shortage of eight-seat vehicles, which are currently used by the day centre, for school contracts, and generally for Blackpool's tourist industry.

The fact is that Blackpool has a huge demand for eight-seat vehicles; Blacktax and the other firms cannot currently meet this demand. To restrict supply even further would not give the level of support to any groups in the area, including the dancers who attend the Winter Gardens from all over the world; and the variety groups of girls and lads who visit Blackpool and make it an attractive place to take a short break. Blacktax picks up from many venues in the town centre for parties of up to eight; under your council's proposal this business would be seriously damaged, and the public – both able bodied and disabled – severely disadvantaged.

Blackpool is one of the UK's licensing authorities that already has a higher percentage of wheelchair accessible vehicles available to the public, due to the fact that the majority of your hackney carriages are wheelchair accessible. Across the entire country the percentage of wheelchair bound passengers using taxis and PHVs is exceedingly low: around 0.01 per cent of taxi users. With Blacktax, ten per cent of their fleet is wheelchair accessible but less than two per cent of bookings are for these types of vehicles.

Looking again at the DfT Best Practice, they emphasise:

"Local licensing authorities will... want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public... it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve."

Further, under their Vehicle Specification section:

"It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle... Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity..."

To finish on this point, we believe very strongly that you will receive serious objections to this particular proposal from various local support groups, the public generally, the transport providers including Blacktax, and a long list of vehicle manufacturers whose standard production eight-passenger multi-seat vehicles are used by both taxi/PHV companies and individual licensed drivers by the thousands all over the country. This Association certainly wishes to register a serious objection, and the warning that to instigate such a proposal could potentially result in a challenge being lodged at court against the council's decision by a growing list of local objectors.

Page 12, 5.4 Vehicle Testing: Blacktax agrees with the suggestion – as we do – that there should be two tests per year up to the age of 14 years, and three tests every 12 months for older vehicles. The legislation clearly allows for this, and actually this Association is surprised that the council still allows vehicles over 14 years old to operate in the area.

Page 13, Change of Vehicle: Last paragraph: Would it be possible for the council to go into more detail as to why you wish to take this decision on change of vehicle, as it seems unfair/cumbersome/costly and all the other negatives. 'If it ain't broke, don't fix it' seems applicable here.

Page 14, 5.9 Conditions: We are slightly confused here; surely the tariff displayed in hackney carriages should be covered by the byelaws (this is set out in your council's Byelaw 4(iii)), and not licensing conditions. Please explain "different tariffs"?

Page 16, top paragraph, "On the spot bookings": Again, we are not sure of the purpose of this paragraph. Certainly over the years the 'blowing in' of a booking by the driver to the operator has been questioned as to whether this is considered to be illegal plying for hire. This statement should be reworded or removed, as we do not believe there is a court precedent for such parameter.

Page 17, 7.1.1 Penalty point scheme: For the longest time our Association has been against these schemes, on the basis of double jeopardy: if a licence holder is penalised in court for an offence, why should he also be penalised twice for the same thing - as often happens with penalty point schemes. We have attached a questionnaire which was prepared by our lawyers a few years ago, which we believe raises some legitimate questions on penalty point schemes.

Page 18, Suspensions: The section of the legislation is missing here: it is LGMPA section 61(2)(B) that allows immediate suspension. "(2B)If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver."

Page 20, couple of things: Under Appeals, 3.1: It would appear that the policy document has quoted the wrong legislation here: the appeal procedure for new applicants is set out under LGMPA section 51 for private hire drivers and 59 for hackney carriage drivers. Section 77 applies to licence holders who already hold a licence but have been suspended or revoked; new applicants would not be able to "carry on their business" as they are not yet licensed.

Page 22, point 5.5: Driver applicants need an enhanced DBS check; private hire operators only need the standard check.

Page 37, under Vehicle Specification: Just under the bullets, "It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle." Whilst the council's remit is always the safety of the travelling public, it must also heed the DfT Best Practice guidance document which dissuades licensing authorities from setting overly strict policies to the detriment of the trade.

Page 38, Interior Dimensions: If the council maintains a list of approved vehicles, is it necessary also to have a seat measurement requirement? We defeated the use of the Coventry Frame (seat measurement apparatus) in a Magistrates' case in Oldham nearly 20 years ago!

Page 38, Seats and seat belts: Current Government requirements for carrying children in licensed vehicles state: "If a child restraint is not available, children under 3 years must travel in the rear, but may be unrestrained. Children 3 years and over, up to 135cm tall must sit in the rear and use an adult seat belt. Children aged 12 years or more, or over 135cm tall, may travel the front, but must wear the seat belt."

Page 40/41, Trailers: The council's licensing department has no jurisdiction whatsoever over a trailer towed by any vehicle. The taxi/PHV legislation does not provide for such power. We've defeated this both by correspondence (in Telford) and in court (in Pembroke). The council is correct in saying that trailers must conform to Road Traffic legislation, and Construction and Use regulations. But the last bullet, "trailers must undergo the authority's inspection and licensing regime and must display an identification plate as specified by the Authority", is *ultra vires* the powers of the licensing department. As trailers are not licensed to carry passengers, there is no justification for licensing to get involved with trailers.

Page 41, Disability Access: last paragraph, about training - Who determines "sufficient training"? This is a gaping hole in the national Government's disability legislation that has never been filled; therefore who deems themselves expert enough to offer "sufficient training". We have been advised by several training providers around the country that they have grave concerns, for example, about the efficacy of the DVSA disability taxi training - ie. their training on use of ramps, fastenings etc. is not thorough enough. This issue merits further investigation; we totally agree that more training is required, but would be interested to see how the council determines the requisite level of training.

Page 42, Tinted Windows: The light penetration provision in this section can only be enforced (with Government backing) on the front windscreen and front windows. Any glass to the rear of the door pillars - both side and back screens - could be painted over... there is no jurisdiction over the light allowance through the back windows. This section wants checking out with the DVSA (formerly VOSA), who will confirm this information for you.

Page 48, Private Hire Operator's Conditions: Record keeping in first paragraph: no mention is made of computerised systems here. Surely if a company's booking and dispatch system is computerised, it is easy enough for an enforcement officer to come to the base and view computerised records, without the operator having to fill in a "suitable log or book" as well?

As mentioned, we hope these comments and suggestions are of assistance. Thank you for allowing this Association to participate in your consultation process on behalf of our members. We look forward to seeing your final policy document.

Yours sincerely
For THE NATIONAL PRIVATE HIRE ASSOCIATION



(Mrs) DONNA D SHORT
Director/Company Secretary

**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES/DRIVERS/OPERATORS -
PROPOSED PENALTY POINTS SYSTEM**

1. What documentary evidence is available to support the council's assertion that a penalty points system is reasonably necessary? Please provide details/copies of that evidence.
2. If the penalty points system is introduced, will the council take a signed proof of evidence from every complainant and witness(es)?
3. Will there be a written "charge" which will include all the details of the alleged misdemeanor?
4. If the penalty points system is introduced, will the council interview the licence holder in accordance with the provisions of PACE 1984?
5. Will the provisions of the PACE 1984 be adhered to, when investigating complaints of alleged misconduct and alleged criminal offences?
6. How will the gravity of the alleged misdemeanor(s) be determined?
7. Who will determine the gravity of the alleged misdemeanor(s)?
8. Will there be sub-categories of misdemeanors?
9. If alleged misdemeanor(s) are committed towards the end of years 1, 2 and 3 will the penalty points be carried forward to years 4, 5 and 6?
10. Will there be a "first hearing"? If yes, please provide details; if not, why not?
11. Who will act as Prosecutor?
12. Who will hear the complaint?
13. Who will determine the complaint?
14. Who will advise the council on legal issues during the -
 - a. Investigation?
 - b. First hearing?
 - c. Appeal to the committee?
15. Will the "Rules of Evidence" apply? If not, why not?
16. What defences will be available to the licence holder? Please provide precise details for each category of misdemeanor.

17. If a licence holder has no other alternative than to appeal to the sub-committee:-
 - a. What time period will he or she be given in which to lodge an appeal?
 - b. Will he or she be able to continue in business in the same way as under section 77 of the Local Government (Miscellaneous Provisions) Act 1976?
 - c. Will the council pay the Appellant's costs?
 - d. Will the licence holder be entitled to free legal advice from the outset?
18. Will the complainant(s) be "compellable" to attend the First/Appeal hearing, give oral evidence, and be open to cross examination? If not, why not?
19. Will prosecution witnesses be compellable to attend the First/Appeal hearing, give oral evidence, and be open to cross examination?
20. Will the investigating officer(s) be "compellable" to attend the First/Appeal hearing, give oral evidence, and be open to cross examination? If not, why not?
21. Will the council supply the licence holder or his/her legal advisers with evidence by way of advance disclosure? If not, why not?
22. What will be the Mens Rea of each alleged misdemeanor?
23. What standard of proof will be relied upon?
24. What are the "definitions" of the categories of each misdemeanor?
25. What is the council's legal basis for the imposition of such a system?
26. Can the council give assurances that the rules of natural justice will be observed? If assurances can be given, please provide details.
27. Why does the council feel it is necessary for them to perform a purely judicial function, thereby usurping the role of the courts?

28. How will potential complainants be informed that such a system operates in their area?
29. Does the council fear that there will be spurious complaints? If not, why not?
30. Please provide details of the discretion that will be entrusted to an enforcement office when deciding whether or not to issue penalty points. Will there be written criteria and/or guidelines to which he or she will have to adhere? If not, why not?
31. Is the council saying that the accumulation of ten or more penalty points is "reasonable cause" for which to suspend or revoke a licence, and not the individual offences themselves? That being the case, would not the licence holder have to appeal all of the

alleged "offences" to the magistrates court at first instance, in order to determine whether or not the council had reasonable cause to suspend, revoke or refuse to renew a licence?
32. Is there not a risk of double jeopardy? If not, why not?
33. Is there not a real likelihood of bias? If not, why not?
34. Is there not a real risk of an intermingling of functions? If not, why not?

We welcome many of the changes in Policy and the opportunity to influence this process. These are our comments.

Para 4.2 Making an application

“That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.”

This is something that we have been saying for some time. It is clear that many local authorities are taking these steps in their licensing policies and that there is a need for this in Blackpool. If drivers are unable to converse with passengers problems will arise.

“That the applicant has sufficient knowledge of the Borough and other issues such as legislation relating to hackney carriage and private hire vehicles (for example the requirement to carry assistance dogs) as may be prescribed by the Council.”

We would like the questions asked in the test to be expanded to ask other questions. For instance some private hire vehicles are unaware that they are not allowed to pick up and drop off on taxi ranks. This could be used to generate a question. Also a significant number of private hire drivers seem unaware of the legitimate hackney rate starting fare of £2.60 and they tell their passengers that hackney drivers are overcharging passengers. They need to understand what the ‘legal fare’ starts at so that they understand that the hackney rate does not represent overcharging. We would suggest that elements of the hackney fare structure is made into questions for all aspiring drivers, hackney and ph.

“That the applicant has completed training specific to the service that they wish to be licensed to provide (including in respect of safeguarding, sexual exploitation, disability and dementia awareness and equality and diversity)”

We are not aware of the need for training in disability and dementia awareness and equality and diversity. Drivers are currently undergoing CSE training and if this further training is required we feel that the issues should have been combined to reduce disruption.

On a general taxi/ph training comment we think that there is a tendency to stretch out training to unnecessary levels. We believe that training providers are making too much of the subject in order to justify exorbitant fees being charged. We are greatly concerned about the proposed charges for forthcoming training and we would like to see ways being explored to bring this down to a reasonable level. Licensing Enforcement has previously offered to do this at a low cost and we would like further consideration to be given to this. Unless this can be done we can see problems arising in the near future in recruiting drivers.

“For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair.”

Can you advise us please how this will be tested?

4.2.2 Disclosure and Barring Service Check

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

Not all drivers are computer literate or have access to the Internet. We would appreciate advice on how such this will be enforced for such people.

4.2.6 Customer Service Training

Currently drivers are required to complete the NVQ in transporting passengers by taxi and private hire in the first year of being licensed. To date this course has been provided at no cost to the driver. Recent changes in funding mean that the course in its current format will cost £300.00. A course with similar content but without the driver observation element could be provided for £200.00.

The proposal is that new applicants will be required to undertake a World Host course offered by the Council covering customer service and dealing with people with disabilities. Existing drivers who have not successfully completed the NVQ will also be required to complete this training before their current licence is renewed."

As mentioned above we believe that a more relevant training package should be put together. Much of what is provided by training providers is long and drawn out and represents waste. We would like to be consulted on alternative speedier training packages.

4.2.7 Safeguarding Training

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

To ensure a consistent approach to this training across Lancashire a training package has been prepared. The intention is that this will be delivered to new applicants as part of the knowledge test.

It is important that all licensed drivers receive the same level of training therefore all existing drivers will be required to undertake the training which will consist of a power point presentation

and a short test. The intention is to work with the licensed trade to agree appropriate timescales. Comments are invited on how the training should be delivered to existing drivers.”

We believe that too much time is being spent by drivers attending courses which deliver little value. The NVQ training caused much irritation because experienced drivers had to spend over 20 hours unpaid listening to people attempting to train on issues which were already well known. A typical training session would involve signing documentation on an extreme multiple basis in an attempt to validate the process. We would like the process to be made quicker. If drivers have equipment capable of loading power point presentations we would like to be able to do this at home and to email the test papers direct to the Licensing Service.

“5.2 Vehicle Specification

It is proposed that all new and replacement multi-seat vehicles (capable of carrying 6 to 8 passengers) must be wheelchair accessible.”

We agree this proposal. This will deliver benefits to disabled people and will assist the Licensing Service in refusing to license vehicles which we consider unsuitable eg Ford Transit van conversions without suitable wheelchair facilities.

It is our understanding that disabled people who use wheelchairs feel that on a general level that the community discriminates against them in many ways. We think this is an opportunity to make a real difference in Blackpool to improve transport facilities for such people. We can't understand why vehicle owners who operate larger vehicles would want to do so in vehicles that are unable to load and secure wheelchair users. All too often we hear tales from wheelchair users that they have had to wait long periods for suitable vehicles to arrive after making a booking.

Our view is that hackney operators in Blackpool operate a high percentage of vehicles that are wheelchair accessible. And that the percentage of private hire vehicles able to do this work is too low. We expect that there will be objections to this and we think that before a final decision is made that the views of disabled groups should be obtained, on this specific issue.

“5.3 Maximum age of vehicles

Currently a vehicle will not be licensed beyond 14 years of age unless it can satisfy the exceptional quality test (see Appendix G). Comments are invited about whether this age limit should be maintained.

The options are:

- 1. Retain the 14 year age limit**
- 2. Remove the age limit**
- 3. Adopt a different age limit**
- 4. Adopt a maximum age at first licensing”**

We are happy to retain the present arrangements.

“5.4 Vehicle Testing

Vehicles are tested in accordance with the table below. Certificates of compliance are issued to vehicles who meet the required standard

1-5 years old 1 inspection per year

5-10 years old 2 inspections per year

Over 10 years old 3 inspections per year

Comments are invited about the testing regime. One option suggested is that there should be 2 tests per year up to the age of 14 year of age, three tests per year thereafter with the Public Protection Sub Committee retains the right to increase the number of tests to three per year in respect of vehicles under the age of 14 years due to maintenance issues.”

We support the idea of testing all vehicles twice per year regardless of age up to 14 years and 3 times a year only after they reach 14 years. 3 tests per year for vehicles which are between 10 and 14 years seems excessive in our opinion. Also we believe that in the interests of public safety only testing newer vehicles only once per year is not sufficient. We do not have a problem accepting the Public Protection Sub Committee taking the action proposed in certain cases where this is deemed to be necessary.

“5.13 CCTV

Vehicles may be fitted with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use.

The CCTV system must:

- Be of a make, type and design approved by the Council;**
- Will not be changed in any way from its original design, be free of damage and maintained in working condition;**

- ***The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle;***
- ***The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access;***
- ***Installation and maintenance must be in accordance with the manufacturer’s specifications and recommendations;***
- ***Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer”***

We wish that consideration be given to amending the last sentence. The Council funded CCTV was problematic because of the access problems we encountered. Some drivers (with newer CCTV system) already have access to their images and have found this beneficial in being able to supply footage on the spot to police officers in dealing with difficult situations. But we understand your concerns and want to work with you to resolve this issue. It is our understanding that the Information Commissioner requires taxi drivers with access to images to register and pay an annual registration fee of £35. This gives them responsibilities as a Data Controller. Furthermore that it is a criminal offence to be a Data Controller and not to be registered. We would suggest that an additional sentence is added to the Policy to allow drivers access if they register and pay the fee. These drivers to show their certification to Licensing on an annual basis.

“6.5 Address of Operator

The Council will specify in the licence the address from which the operator may operate. The operator must notify the Council in writing of any change of address.

The Council will not grant an operator’s licence for an operating base outside of the Borough of Blackpool. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.”

We strongly support this requirement and we would like to see this extended to make it necessary for any operator also to supply a local landline phone number. We believe this is necessary so that customers are able to contact the company to resolve any issues which may arise.

7.1.1 Penalty Points Scheme

Some authorities adopt a penalty point scheme to deal with minor enforcement issues. If a licence holder obtains a set number of points within a specified time, they would be referred to the Public Protection Sub-Committee to consider whether they remained a fit and proper person to be licensed.

Comments are invited on whether such a scheme should be adopted in Blackpool. A sample scheme is attached by way of example.

We have reservations about this because we feel that this would enable penalties to be imposed without due consideration being given. Some drivers are not confident in putting forward explanations of incidents and might accept penalty points when none are strictly due. And then another minor incident might push them over the limit for a minor transgression.

Looking at the examples we were sent we can see problems arising. Examples of this is penalty points for:

- 4 points for ***“Failure to use authorised roof light”***. If a bulb blows it might be some time before the driver notices.
- 4 points for ***“Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.”***
- 3 points for ***“Evidence of food or drink in vehicle.”***
- 3 points for ***“Unsatisfactory appearance of driver.”***
- 3 points for ***“Failure to observe rank discipline.”*** Would this mean that a driver returning from a toilet break would receive penalty points?
- 2 points for ***“Failure to maintain a reasonable standard of behaviour”*** Acceptance of being unreasonable up to say 5 times in a year? How is unreasonable to be determined?
- 2 points for ***“Not moving vehicle forward on a Rank to fill the space which has been vacated”*** Our view is that taxi drivers manage this process by peer pressure. No need for the Council to become involved.

These are just some examples of issues that are difficult to judge with pre-set penalty points that don't take account of mitigating circumstances.

As a general rule we feel that such schemes are not good for the taxi trade. In various parts of the UK taxi and private hire drivers are in opposition to such schemes and we would not want to see the harmonious relationship that we have in Blackpool being spoilt in this way. The Public Protection Sub Committee does a good job in determining whether or not individuals are fit and proper to hold a taxi/ph license. Enforcement are in the best position to recommend on any action necessary. We feel that all cases are different and the judgement of Officers should not be influenced by automatic processes involving totting up of points.

Appendix B – Private Hire Driver's Licence Conditions

We support the lengthy list of conditions mentioned in this Policy. We would also like to suggest that an addition is made to give guidance to private hire drivers as to where they should not park when waiting for a booking.

“The licence holder, whilst acting as the driver of a private hire vehicle shall when requested by any person hiring the vehicle:

- ***Convey a reasonable quantity of luggage;”***

We sometimes see private hire vehicles which are licensed for 6 passengers attempting to load 6 passengers plus luggage. And because they have seats pushed back there is no luggage space and passengers sit with suitcases on their knees. Clearly this isn't right and we feel that the Policy should address this. Our view is that such vehicles should be downgraded to a limit of 4 passengers.

Appendix C - Code of Conduct for Licence Holders

We note that there are various conduct requirements for licensed holders, drivers, hackney drivers including when parked outside company offices. We would suggest that an additional requirement should be added.

Private hire drivers should not:

- Park, wait, pick up or drop off on taxi ranks
- Park near to a taxi rank, public house, night club or other places where large numbers of people gather. Or to create the impression that they are plying for hire.
- Encourage or tout for business or telephone the office on behalf of customers to make a booking. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer. We note this is mentioned in para 6.1 but we feel that it should be repeated here.

We would suggest that these issues should be incorporated into the new driver test for private hire drivers.

Appendix F - Vehicle Specification

“All vehicles should be capable of carrying not less than four passengers, be right and drive and shall have an engine size not less than 1298cc.”

Modern engines now deliver performance with smaller engines. We think that there is perhaps now no need for this limit on engine cc.

Disability Access

Where a vehicle is designed or adapted to carry a wheelchair, the vehicle licence holder shall ensure that the driver has received sufficient training to safely load and convey passengers using wheelchairs.

Amend perhaps to say “the driver (unless wheelchair exempt) has received sufficient training”...

Meter in private hire vehicles

“Private Hire Vehicles There is no requirement for private hire vehicles to be fitted with a taximeter. Those that are fitted with meters must have them tested and approved by the Authority.”

As some private hire vehicles are not being tested to ensure that the meter fare complies with the fare table on display we feel that this paragraph should be amended.

Child Sexual Exploitation (CSE)

We found this on the Wiltshire Council Taxi Policy Document. We would suggest that something along these lines should be adapted and included in the Blackpool Taxi Policy

CHILD SEXUAL EXPLOITATION AND ABUSE

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability.’(NWG 2008)

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse.

Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Wiltshire Police based in the Multi-Agency Safeguarding Hub (MASH) as a matter of urgency on the above number. Drivers are also expected to inform their manager that they have reported their concerns to Wiltshire Police.

Failure to report a suspicion or concern that a young person or young people may be being sexually exploited could lead to the licence being revoked and the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

Finally we understand that some hackney license holders have been allowed to effectively put their licenses “on a shelf” in the Council Offices and are no longer attached to a vehicle. We feel that this is wrong and we would like the Policy to bring about an end to this practice. And for such license holders to be given a period of some months to allocate suitable vehicles to such licenses.

Blackpool Licensed Taxi Operators Association Committee

28 January 2016

Blackpool 01253 401000
Fylde 01253 711111
Fax 01253 404175
Email office@premier401000.com

January 2016

Dear Sharon,

With regard to the draft hackney carriage and private hire licensing policy you sent I would like to make the following comments.

I strongly object to the proposal that all new and replacement multi-seater vehicles carrying 6-8 passengers must be wheelchair accessible. I do not believe it should be a requirement of private hire vehicles to do this. The vast majority do not have this capability unless they have expensive re fits. Add to this that Premier has invested £100,000's in electric multi seater vehicles and if this proposal was enforced it would preclude us from adding more. I do agree that hackney multi seaters should cater for wheelchair passengers.

In view of the Council's aim to 'encourage environmental sustainability' I would like to inquire if the Council would be willing to issue a number of taxi plates to be attached to 100% electric hackney taxis. These plates would not be transferrable and once removed from the said vehicle would be returnable to the council. There is no such vehicle available on the market as yet, but I feel it will not be long, and now is the time to establish possibilities.

With regards to the 'local knowledge' test I feel that this is somewhat archaic with modern technologies now in daily use, indeed some authorities have recognized this and abandoned such tests. The practice of changing the questions on a regular basis is engaging us in a 'cat and mouse' scenario whereby it spirals down to questions becoming more and more obscure as more relevant and common questions have already be used.

The maximum age of vehicle, hackney or private hire, in my view, should be 10 years with no exceptions. The public DO judge a vehicle by its number plate, i.e. year of manufacture.

Blackpool Correspondance

Premier 401000 Taxis
296 Lytham Road
Blackpool
Lancashire
FY1 6EY

www.premier401000.com

www.premierfylde.com

Company Reg. No. 2941228 VAT Reg. No. 659 6818 73

Directors J.A. & A Cutler

Fylde Correspondance

Premier Fylde Taxis
54 Wood Street
Lytham St Annes
Lancashire
FY8 1QG

Blackpool 01253 401000
Fylde 01253 711111

Fax 01253 404175
Email office@premier401000.com

Vehicle testing should be 1 inspection per year for vehicles 1 to 3 years old. 2 inspections 3 to 6 years (as a 3 year old vehicle used from new is likely to have covered around 100,000 miles by this time). 3 inspections for vehicles 6 to 10 years old.

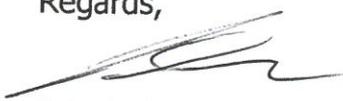
In the appendix F door section it states 'there must be a minimum of 54 inches width between door handles' – this is clearly not the case of many of the vehicles currently licensed by the Council and I would respectfully ask that this condition be removed from the present policy and not be included in future policy as it would exclude our fleet of 100% electric people carriers and many other multi seater vehicles.

I do not agree with the whole concept of 'exceptional quality' as I see it as a 'work around' to allow much older vehicles to be issued with licenses. The vehicle may indeed appear pristine inside and out but it will not have the level of safety devices that modern cars have and therefore cannot offer the public the same level of safety to which the 'principle purposes' purports to, i.e. safety of the public.

At appendix H section f it states vehicles fitted with a meter should display signage detailing how the fare is calculated – I would respectfully ask that this condition be removed or altered to reflect the agreement already in place with licensing that a sign stating 'if you have pre-booked this vehicle you will be charged less than the council rate' will suffice. This allows the alteration of fares as required, for example for promotional purposes or Xmas and New Year, without changing signage.

Appendix I needs a re write in as much as records are now, in most, if not all cases, computerised.

Regards,


J.A. Cutler (Managing Director)

Blackpool Correspondance
Premier 401000 Taxis
296 Lytham Road
Blackpool
Lancashire
FY1 6EY

www.premier401000.com
www.premierfylde.com

Company Reg. No. 2941228 VAT Reg. No. 659 6818 73
Directors J.A. & A Cutler

Fylde Correspondance
Premier Fylde Taxis
54 Wood Street
Lytham St Annes
Lancashire
FY8 1QG

Sharon Davies

From: Peter Drew [REDACTED]
Sent: 24 November 2015 22:03
To: Licensing
Subject: Proposed Policy Changes

Hi

Whilst it is an excellent suggestion that all new/replacement multi-seaters are wheelchair accessible, I feel it will limit the number of multi-seater vehicles available.

The reasons for my view are as follows:

A number of current multi-seater owners when it comes to replacing there vehicle who would not be willing to do wheelchair work so then opting for a saloon.

The cost of a wheelchair accessible vehicle would rule a lot of people out as well.

Owners will be wanting to keep there current multi-seaters for longer, so ending up with a very old fleet of multi-seaters in Blackpool.

Customers may also be calling firms from outside the Blackpool Borough to do 8 seater journeys, who maybe not be as well governed as Blackpool Borough vehicles.

Regards,
Peter Drew

All the above would have a detrimental effect on the number of multi-seater vehicles available for work, so having an effect on satisfying the customer needs of the area, but also the effect of clearing people from the town at night.

Sent from my iPad

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From: C Cabs [REDACTED]
Sent: 28 January 2016 10:42
To: Licensing
Cc: Sharon Davies
Subject: Response to draft Hackney Carriage and Private Hire licensing policy

Hi Ryan

Below are our opinions on a number of the items listed.

4.2.6 Customer service training.

We feel that the costings are prohibitive to any new people coming into the trade especially those wishing to only drive on a part time basis. We have never had as many driving positions available on our company and we feel this is because of the cost of the test, badge, dbs, medical and adding the training costs to this already expensive set up fee is a great barrier to the majority of people and may cause an even bigger shortage of drivers in the future.

5.2 Vehicle specification

We are strongly apposed to the proposal that all new and replacement multi seat vehicles (6/8 passengers) will need to be wheelchair accessible, The cost of purchasing these vehicles would make them beyond anybody's reach which would then lead to a shortage of such vehicles which in turn would levy a cost to the public as they would require 2 vehicles when travelling in parties of 6 or more. In addition to this we do numerous contracts for Blackpool Council that require the multi seat vehicle which again would cost the Council more money as they also would need 2 vehicles and with escorted runs would need to passenger assistant which again would increase the cost to the Council.

5.4 Vehicle testing

We are in the main happy with this proposal to have 2 pit tests per year up to the age of 14 but our members are concerned with who will be making recommendations to the Protection Sub Committee to go to 3 test for a vehicle with maintenance issues in that a 3 year old vehicle may have a fault and then find themselves subject to 3 pit tests per year, we feel this needs clarifying.

5.8 Change of vehicle

We feel that this is just another increase in cost to the vehicle owners and feel the Council will be increasing their workload using this method as the new vehicle licence paperwork will still need to be completed but in addition to this the Council will then have to work out what proportion of refund is required.

7.1.1 Penalty points scheme

We are strongly apposed to this scheme as we feel the enforcement works perfectly well as it is.

We believe that the present system in Blackpool works perfectly well and feel many other Councils could learn from your practices it's like the old adage "if it ain't broke don't fix it". Over the past few years the taxi trade as a whole has had to bear a number of increased financial burdens but with an ever decreasing workload and feel that the aforesaid proposals are yet another needless cost to the owners.

Kind Regards

Dee Grant

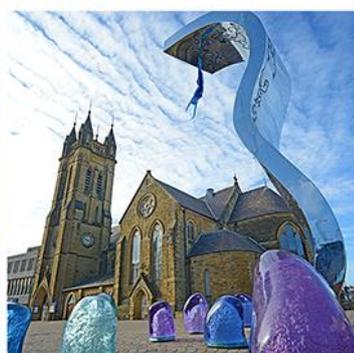
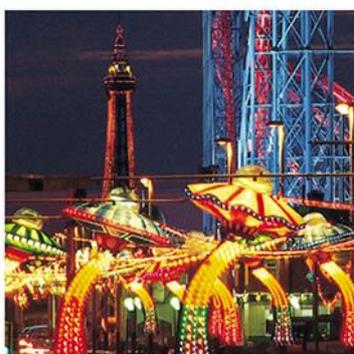
Director
C Cabs

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Appendix 4b: Proposed Hackney Carriage and Private Hire Licensing Policy

Blackpool Council



Proposed Hackney Carriage and Private Hire Licensing Policy 2015

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Proposed Hackney Carriage and Private Hire Licensing Policy 2015

1. Introduction

Blackpool Council is responsible for the regulation of the hackney carriage and private hire trades within the Borough of Blackpool.

When developing this policy the following have been taken into consideration:

- The aims and objectives of this policy (see below)
- Current legislation
- The Department for Transport “ Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010
- Regulators Code 2014
- Local Government Association template Criminal Convictions Policy 2015

This policy sets out application requirement and standards that must be met by the hackney carriage and private hire trade licensed by Blackpool Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

2. Aims and objectives of the licensing policy

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council’s aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public

Blackpool Council will carry out this licensing function with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- The safety and health of the public and drivers
- Vehicle safety, comfort and access
- Encouraging environmental sustainability

The Council aims to ensure that the hackney carriage and private hire services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

Proposed Hackney Carriage and Private Hire Licensing Policy 2015

3. Delegations

Under the Council's Constitution, the Public Protection Sub-Committee has the authority to discharge non-executive regulatory functions with respect to hackney carriage and private hire licensing. The Sub-Committee will determine applications, contraventions, suspensions and revocations.

The Head of Licensing Services has delegated powers to grant licences where there are no criminal or other concerns that give rise to doubts over the suitability of the applicant to hold a licence.

The Head of Licensing Services or in their absence the Licensing Enforcement and Health and Safety Manager, after consultation with the Chair or Vice-Chair of the Public Protection Sub-Committee may:

- Issue warning letters on behalf of the Sub-Committee
- Suspend hackney carriage or private hire drivers with immediate effect

Hackney carriage/private vehicle licensed may be suspended by the Head of Licensing Services or in their absence the Licensing Enforcement and Health and Safety Manager if it cannot be established that the vehicle is suitably insured.

4. Hackney Carriage and Private Hire Drivers

An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.

4.1 Fit and Proper Person Test

Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.

Whilst there is no definition of a fit and proper person decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question

Proposed Hackney Carriage and Private Hire Licensing Policy 2015

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.

Factors that will be taken into account when reaching a decision include:

- Criminality (whether the applicant has any criminal convictions or cautions)
- Driving licence – length held and penalty points endorsed
- Right to work in the UK
- Medical Fitness
- General conduct/standards of behaviour
- Conduct of the applicant during the application process
- Previous licensing history
- Knowledge of Blackpool and other matters such as the Highway code and taxi policy and laws
- Ability to communicate and understand English

This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as the Police, Safeguarding Boards and other licensing authorities as appropriate.

4.2 Making an application

It is the policy of the licensing authority that every application for a licence to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- That the applicant has the right to live and work in the country
- An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness to Group 2 standard
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive

Proposed Hackney Carriage and Private Hire Licensing Policy 2015

- That the applicant has a minimum of three years post-qualification driving experience (or if not, successful completion of an driving test with a Council approved examiner)

Applications will not be considered until the following has been established:

- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- That the applicant has completed training specific to the service that they wish to be licensed to provide (including in respect of safeguarding, sexual exploitation, disability and dementia awareness and equality and diversity)
- (For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair
- That the applicant has sufficient knowledge of the Borough and other issues such as legislation relating to hackney carriage and private hire vehicles (for example the requirement to carry assistance dogs) as may be prescribed by the Council

4.2.1 Application form

Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that information requested, for example previous convictions and cautions, will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as both hackney carriage and private hire drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Care should be taken when completing the form as failure to make full and accurate disclosure can in itself result in refusal of the application.

4.2.2 Disclosure and Barring Service Check

A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.

Before an application will be considered, the applicant must provide a current enhanced disclosure certificate. In this context “current” means less than three months old. DBS certificates are ordinarily applied for through the Council’s licensing unit however a certificate obtained elsewhere will be acceptable if it is less than three months old and has been processed

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in relation to both the child and adult workforce employment position (this is specified on the certificate)

It should be noted that the Disclosure and Barring Service send the certificate to the applicant direct. The original certificate must be produced to the Licensing Service to progress the application.

A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to maintain this registration and nomination throughout the duration of their licence. This policy requirement will not take effect until 1st October 2016 to allow further consultation with the trade on its implementation.

More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

Applicants with periods of residency outside the UK

If a new applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period before an application can be made.

4.2.3 Relevance of Convictions and Cautions.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits having regard to its policy on convictions and cautions which can be found at Appendix A.

4.2.4 Medical Assessment

The Council is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:

- They carry members of the public who expect a safe journey
- They are on the road longer than most car drivers
- They have to assist disabled passengers and handle luggage.

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For this reason the Group 2 standards of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licensed hackney carriage and private hire drivers

Applicants are required to undergo a medical assessment on first application, on reaching 45 years of age then every 5 years thereafter until the age of 65 when annual examinations will be required. Holders of current PSV and/or HGV licences where the holder is able to produce proof of a current medical examination will not be required to undergo further assessment.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council.

Licence holders must advise the licensing service of any deterioration or other change in their health that may affect their driving capabilities – this includes, but is not restricted to the list of conditions which must be notified to the DVLA. Where there remains any doubt about the fitness of the applicant, the Public Protection Sub-Committee will review the medical evidence and make a final decision.

No licence shall be issued until medical clearance (if required) has been established.

Exemption Certificates

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle either on the windscreen or in a prominent position on the dashboard.

4.2.5 Knowledge of the Borough

Applicants for a new licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- A basic level of English language
- Child/Adult safeguarding awareness
- Disability awareness
- Road Safety
- Basic Vehicle Maintenance
- Customer care/customer awareness

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- Local knowledge
- Taxi/private hire regulations and policy

If an applicant fails four successive knowledge tests their application will be rejected and a period of twelve months must elapse before a new application is permitted. Applicants who cannot demonstrate a basic level of English Language will be provided with information on relevant courses that can bring them to the required standard.

A fee must be paid for each test taken and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee. Failure to attend the test without prior notification will be classed as a failure.

Applicants who have been licensed previously by Blackpool Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.

4.2.6 Customer Service Training

New applicants will be required to undertake a World Host course offered by the Council covering customer service and dealing with people with disabilities. Existing drivers who have not successfully completed the NVQ will also be required to complete this training before their current licence is renewed.

4.2.7 Child Sexual Exploitation and Abuse

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives "something" (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that

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they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Lancashire Police.

Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the licence being revoked and the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

It is a requirement that all existing licensed drivers undertake CSE training before their licence is renewed.

4.2.8 Right of driver to work in the UK

The Council will require all applicants for new licences to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include (but are not limited to):

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- Full UK birth/adoption certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

4.3 Standards expected of a licensed driver

4.3.1 Licence Conditions

The Council may attach such conditions to a private hire driver's licence as it considers reasonably necessary. The standard conditions can be found at Appendix B. Conditions may not be attached to a hackney carriage driver's licence, however they are required to abide by the Hackney Carriage Byelaws.

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4.3.2 General Conduct

The standards expected of licensed drivers are set out in the Code of Good Conduct. This code, set out at Appendix C should be read in conjunction with the other statutory and policy requirements set out in this document.

4.3.3 Dress Code

It is recognised that both the hackney carriage and private hire trade play an important part in portraying a positive image of Blackpool.

Anything that serves to enhance the professional image of the trade and promotes the concept that the drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that the objectives above are met a dress code for licensed drivers has been set see Appendix D. It is a condition of licence that drivers adhere to this policy.

4.3.4 Code of Conduct when working with vulnerable passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This Code can be found at Appendix E.

5 Hackney Carriage and Private Hire Vehicles

5.1 Limitation of numbers

The grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that there is no significant demand for the services of hackney carriages in the area which is unmet.

Blackpool Council does limit the number of hackney carriages to 256 together with 44 horse drawn (landaus). The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Council, the findings of which are available on request.

The Council has no power to limit or otherwise restrict the number of private hire vehicles.

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5.2 Vehicle Specification

The Council has a series of specifications which a vehicle will need to comply with if it is to be licensed. These specifications can be found at Appendix F.

Not all types of vehicles are suitable to be licensed as hackney carriage or private hire vehicles. The Council maintains a list of approved vehicles. If an applicant wishes to licence a vehicle that does not appear on the list, advice should be sought from the licensing enforcement team which is responsible for maintaining the list. In the event of a dispute over the suitability of a vehicle the final decision rests with the Public Protection Sub-Committee.

5.3 Maximum age of vehicles

Vehicles will not be licensed beyond 14 years of age unless they satisfy the exceptional quality test.

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5.4 Vehicle Testing

Vehicles are tested in accordance with the table below. Certificates of compliance are issued to vehicles who meet the required standard

Below 14 years of age*	2 inspections per year
Over 14 years of age	3 inspections per year

*The Public Protection Sub Committee retains the right to increase the number of tests to three per year in respect of vehicles under the age of 14 years due to maintenance issues.

5.5 Signage

Hackney Carriage vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney carriage vehicles, except for mini buses, transits, people carrier type vehicles and those with built in roof signs should carry illuminated roof mounted signs indicating that they are a taxi. Mini buses, transits and people carrier type vehicles must display the single word "taxi" on the front and rear of the vehicle. In order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word "taxi" or "hackney"

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Private hire vehicles must display the following signage on both the rear passenger doors of each Private Hire saloon vehicle and on both passenger access doors for all other types of Private Hire vehicles to include the Blackpool Council logo and the wording "licensed private hire vehicle not insured unless pre-booked" in a size and font to be specified by the Council'. These signs can be purchased from the licensing service.

5.6 Application Process

The Council will consider all applications for vehicle licences on their own merits.

A valid application will consist of:

- Vehicle application form
- Fee
- The original vehicle registration document (V5), certificate of registration for the vehicle or a bill of sale. Licences will not be renewed unless the full V5 document has been produced to the Council.
- Certificate of compliance from the Council's testing station.
- Valid policy of insurance

5.7 Grant and renewal of licences

Vehicle licences will be issued for a period of 12 months.

5.8 Change of Vehicle

Historically, the licensing service have permitted vehicle licence holders who wish or need to change their vehicle to do a vehicle change to enjoy the benefit of the unexpired portion of the licence. The only charge for this was for the vehicle plates/disc.

The proposal is that this practice will cease and from the date this policy comes into force licence holders wishing to change vehicles must apply for a new vehicle licence. This decision has been taken due to the number of these applications now being received and the fact that it is the correct approach lawfully. Refunds for complete months outstanding on the existing licence will be given.

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5.9 Conditions

The Council may attach such conditions as it considers reasonably necessary to the grant of a hackney carriage or private hire vehicle licence.

The following condition is attached to all hackney carriage licences:

- Any hackney carriage operating to different tariffs must display a statement of fares which shall be fitted and maintained in such a position as to be clearly visible at all times to the hirer.

The standard conditions attached to a private hire vehicle licence can be found at Appendix H

5.10 Accidents

If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the licensing service as soon as possible and in any event within one working day. An accident report form must then be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing service may agree to the report being filed outside of that time limit).

The vehicle must be presented for inspection at the Council's testing station as soon as possible after the accident has taken place at the licence holder's expense. The inspection should be booked via the licensing service. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.

If the vehicle is so damaged that it cannot be driven, the licensing service must be informed of this fact. In such cases, the vehicle proprietor is advised to take photographic evidence of the vehicle's condition to clearly illustrate the reason why the vehicle cannot be driven or be presented for examination.

5.11 Meters

All hackney carriages must be fitted with an approved meter. Private hire vehicles may be fitted with a meter but this is not a requirement of licensing. If a private hire vehicle is fitted with a meter it should not display the words "for hire" unless this wording cannot be viewed from outside of the vehicle

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5.12 Fares

The Council sets the maximum rates that may be charged by hackney carriage vehicles. Private Hire Vehicles may set their own fare structure.

5.13 CCTV

Vehicles may be fitted with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use.

The CCTV system must:

- Be of a make, type and design approved by the Council;
- Will not be changed in any way from its original design, be free of damage and maintained in working condition;
- The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle;
- The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access;
- Installation and maintenance must be in accordance with the manufacturer's specifications and recommendations;
- Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer unless the vehicle licence holder or licensed driver is registered with the Information Commissioner as a Data Controller

6 Operators

6.1 Requirement for a licence

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All licences must be issued by the same local authority.

Applications for operator licences must be made on the form provided by the Council together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence. In the case of a company the Council must be satisfied that all company directors/secretary are fit and proper.

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On the spot bookings - where a private hire vehicle is approached on the street by a potential customer, in the Council's view, the booking would only be lawful if it is made by the potential customer contacting the operator themselves. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer.

6.2 Fitness and propriety

In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:

- Criminal record including convictions, cautions, warnings and reprimands
- Demeanour, general character, non-criminal behaviour, honesty and integrity
- Previous conduct
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc)

If the application is received from a person not already licensed as a driver by Blackpool Council, the applicant will be required to produce a Basic Disclosure from the Disclosure and Barring Service. They will also be required to undertake the Council's Safeguarding Awareness Training.

6.3 Insurance

Before an application is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance.

6.4 Conditions

Conditions are attached to an operator's licence. The standard conditions can be found at Appendix I.

6.5 Address of Operator

The Council will specify in the licence the address from which the operator may operate. The operator must notify the Council in writing of any change of address.

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The Council will not grant an operator's licence for an operating base outside of the Borough of Blackpool. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

7 Compliance and Enforcement

7.1 Enforcement

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.

The Regulator's Code was brought into force in 2014 which states that the Council should:

- Carry out their activities in a way that supports those they regulate to comply and grow
- Provide simple and straightforward ways to engage with those they regulate and hear their views
- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply
- Ensure that their approach to their regulatory activities is transparent.

Where appropriate, referrals will be made to other agencies. This will include but is not limited to the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as a part of programmed operations.

7.1.1 Disciplinary Hearings

Licence holders may be referred to the Public Protection Sub-Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Sub-Committee will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

Warnings

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These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Sub-Committee for any other reason.

Suspensions

Vehicles can be suspended in accordance with section 68 Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle.

Drivers can be suspended under section 61 Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect in certain circumstances..

Revocations

Both vehicle and drivers licences may be revoked by the Sub-Committee.

If the seriousness of the case merits revocation, this course of action will be available to the Sub-Committee even if it is the first enforcement action taken against the driver/vehicle.

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Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
 - That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from dishonest person.
 - The safeguarding of children, young persons and vulnerable adults.
- 1.3 The term “fit and proper person” for the purposes of licensing is not legally defined and in assessing whether someone is “fit and proper” the Council will consider the following together with any other relevant information:
 - Criminality

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- Human rights
- Period of holding a driver's licence
- Number of penalty points endorsed on driving licence
- Right to work
- Medical fitness
- Conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- Previous licensing history of existing and former licence holders

In addition the Council will also consider further information provided by sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

- 1.4 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' licenses
 - Existing licensed drivers whose licences are being reviewed
 - Licensing officers
 - Members of the Public Protection Sub-Committee
 - Magistrates hearing appeals against local authority decisions
- 1.5 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Public Protection Sub-Committee. Whilst officers and the Sub-Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 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

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- b. Show adequate evidence that her 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 may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).
- 2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3 Appeals

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 3.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 3.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

4. Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

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- 4.3 In this policy the term “disqualification” refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers’ licence and/or private hire vehicle operators licence is a ‘fit and proper’ person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of conviction
 - Circumstances of the individual concerned
 - Sentence imposed by the court
 - The applicant’s age at the time of conviction.
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant
- 5.2 Existing holders of drivers’ licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 478343 in confidence for advice.
- 5.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS’s Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers’ licence will be required to obtain an enhanced disclosure at their expense. Applicants for an operators licence will be required to obtain a standard DBS check at their own expense (unless they are the holder of a current hackney carriage or private hire drivers licence issued by Blackpool Council). The licensing authority abides by the DBS’s

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Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 5.6 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 5.7 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.8 For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence.
- 5.9 Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licensed driver is a fit and proper person.

6 Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving

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- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction

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- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

7. Possession of a weapon

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

8. Sex and indecency offences

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.

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

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Grooming, Trafficking for sexual exploitation or other sexual exploitation related offences
- Possession of indecent photographs, child pornography etc.

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- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

8.3 Before an application will be considered, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

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

8.5 A licence will not normally be granted if an applicant has more than one conviction for a sexual/indecency offence.

9. Dishonesty

9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud

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- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.

10. Drugs

10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

10.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

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11 Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

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

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

12 Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 3 years, after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

12.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they :

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

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12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

12.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

13 Licensing offences

13.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .

13.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

14 Insurance offences

14.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.

14.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

15 Outstanding charges or summonses

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- 15.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 15.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

16 Non-conviction information

- 16.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 16.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

17 Cautions

- 17.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

18 Licences issued by other licensing authorities

- 18.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 18.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

19 Summary

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- 19.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 19.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 19.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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Appendix B - Private Hire Driver's Licence Conditions

- a. In the event of the licence holder being convicted of an offence of whatever kind during the currency of the licence, he shall forthwith notify the Council in writing of the conviction, giving such particulars of the time and place of the conviction, the nature of the charge and the penalty imposed, together with such further information concerning the offence as the Council may require.
- b. The licence holder, whilst acting as driver of a private hire vehicle, which is hired, shall not permit or suffer any person to be carried in or upon such vehicle during such hire without the express consent of the person hiring the same.
- c. The licence holder, whilst acting as driver of a private hire vehicle shall not by any means encourage people to hire the vehicle.
- d. The licence holder, whilst acting as driver of a private hire vehicle, shall be clean and respectable in his dress and person, shall behave in an orderly manner, shall conduct himself with civility and propriety towards every person hiring or being conveyed in the vehicle, shall take all reasonable precautions to ensure the safety of the persons conveyed in or entering or alighting from the vehicle and shall comply with every reasonable requirement of any person hiring or being conveyed in the vehicle.
- e. The licence holder who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- f. The licence holder shall not convey in a private hire vehicle any greater number of persons than the number of persons specified in the licence granted by the Council in respect of the vehicle.
- g. The licence holder, whilst acting as the driver of a private hire vehicle shall when requested by any person hiring the vehicle:
 - Convey a reasonable quantity of luggage;
 - Afford reasonable assistance in loading and unloading;
 - Afford reasonable assistance in removing any luggage to or from the entrance of any house, station or place at which he may take up or set down such person.
- h. The licence holder when acting as the driver of a private hire vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein and carry it as soon as possible and in any event within 48 hours to the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

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Appendix C - Code of Conduct for Licence Holders

This code of conduct should be read in conjunction with the other statutory and policy requirements set out in this document.

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

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

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times;
- Keep their vehicles clean and suitable for hire to the public at all times;
- Attend punctually when undertaking a pre-booked hiring;
- Assist, where necessary, passengers into and out of vehicles
- Offer passengers reasonable assistance with luggage

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

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

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall in addition to the above:

- Rank in an orderly manner and proceed along the rank in order, moving along promptly
- Remain in or near to the vehicle

At private hire offices a licence holder shall:

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

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

Licensed drivers shall

- Pay attention to personal hygiene and dress so as to present a professional image to the public;
- Be polite and helpful to passengers
- Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans gender, religion or belief
- Drive with care and due consideration for other road users and pedestrians
- Obey all traffic order and directions at all times
- Not consume alcohol

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Appendix D - Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Blackpool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear knee length shorts/long legged trousers and a shirt which has a full body and as a minimum short sleeves.

As a **minimum** standard, females should wear knee length shorts/long legged trousers, skirt or dress and a shirt / blouse which has a full body and as a minimum short sleeves.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- (a) Clothing that is not kept in a clean condition, free from holes and rips.
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc.).
- (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- (e) Drivers not having either the top or bottom half of their bodies suitably clothed.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

Appendix E - Code of Conduct when working with vulnerable passengers

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

The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:

Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws

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

When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.

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

Always ask if a vulnerable person needs help do not assume

Drivers should remain professional at all times and should not:

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

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A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.

If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

If you are concerned about someone else's conduct you should report your concerns to the Council's licensing department 01253 478343, the police on 101 or Crimestoppers 0800 555111

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Appendix F - Vehicle Specification

General

All licensed vehicles shall comply with the requirements set out below as appropriate for the type of vehicle (hackney carriage or private hire). This is in addition to the requirements of road traffic legislation.

All vehicles shall have an appropriate “type approval” which is either:

- European whole vehicle type approval
- British national type approval
- British single vehicle approval.

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

All vehicles should be capable of carrying not less than four passengers, be right hand drive.

The maximum permitted length is 18 feet and the maximum permitted weight is 3500kg.

Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

All vehicles should at all times be maintained in a sound and roadworthy condition and serviced according to the manufacturer’s recommendations.

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the licensing service. It is unlikely that anything not of the manufacturer’s specification other than vehicle colour will be authorised.

Doors

All saloons, estates and purpose built vehicles shall have at least four side-opening doors which may be opened from the inside and the outside. Transits, minibuses and people carrier type vehicles shall have at least three doors not including the tailgate or rear doors.

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Interior Dimensions

Height inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.

Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

Seats

Access to every passenger seat must be unobstructed and easily accessible to passengers without the need for more than one passenger to move. Minibuses and MPVs that are unable to comply with this requirement may still be approved at the discretion of the authority.

Passenger seats must be at least 16 inches wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 34 inches headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

In relation to the carriage of child passengers under three years of age in the front seat, an appropriate child restraint must be worn. If a child restraint is not available children under three must travel in the rear and may be unrestrained. Children of three years and over, up to 135cm tall must sit in the rear and use an adult seat belt. Children aged twelve years or more, or over 135cm tall, may travel in the front but must wear a seat belt.

Seat Belts

All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

Signage

Hackney carriage

A vehicle licensed as a hackney carriage must display at all times licence plates supplied by the authority. These plates must be securely fixed to the front and rear of the vehicle. The vehicle must also display in the top left hand corner of the windscreen a licence disc on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

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Roof signs

Hackney carriage vehicle, other than minibuses, transits, people carriers and those with built in roof signs, must be fitted with an illuminated external sign on the roof of the vehicle showing the word “taxi” to the front of the vehicle. The sign facing the rear of the vehicle must also display the word “taxi” and may also display the company name and telephone number. The roof sign and lettering must be of an appropriate size to enable it to be read clearly from a distance of 14 metres.

The roof sign must be centrally mounted on the vehicle roof and adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps or clamps. Magnetic or suction fittings alone are not considered suitable as a sole method of fixing.

Where the signs are illuminated, the roof light must be extinguished when the fare meter is in use.

Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign shall have the word “Taxi” in letters of between 25cm and 30cm in height displayed on the front and rear of the vehicle so they can be clearly identified as a hackney carriage.

A sign must also be affixed to the vehicle indicating that smoking is not permitted in the vehicle

Private Hire Vehicle

A private hire vehicle licence contains the following condition – “that all Private Hire operators must place signs on both the rear passenger doors of each Private Hire saloon vehicle and on both passenger access doors for all other types of Private Hire vehicles to include the Blackpool Council logo and the wording “licensed private hire vehicle not insured unless pre-booked” in a size and font to be specified by the Council’. These signs can be obtained from the licensing service.

The only other signage permitted on the exterior of the vehicle is self-adhesive signage on the front passenger and driver doors displaying the company name, logo and telephone number, or any combination. This signage must be approved by the Licensing Service.

A private hire vehicle must also display in the top left hand corner of the windscreen a licence disc on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

A sign must be affixed to the vehicle indicating that smoking is not permitted in the vehicle

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Advertising

Hackney Carriage Vehicles

Advertising that has received approval from the Licensing Service is permitted on hackney carriage vehicles.

The following types of advertising will not be approved:

- Advertising of a sexual nature
- Advertising promoting alcohol
- The advertising of cigarettes and other forms of tobacco products including as e-cigarettes
- Advertising promoting gambling or forms of gambling.

No sign or advertisement should obliterate the vehicle licence plate or the registration number of the vehicle.

Private Hire Vehicle

Advertising of businesses or products is not permitted on a private hire vehicle other than the details of the operator of the vehicle – see signage above.

Meters

Hackney Carriage Vehicle

A calendar-controlled taximeter must be fitted in the headlining of all purpose built hackney carriages. In all other hackney carriages the meter must be fitted in a position where it can be clearly seen by passengers. The taximeter must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

Private Hire Vehicles

There is no requirement for private hire vehicles to be fitted with a taximeter. Those that are fitted with meters must have them tested and approved by the Authority.

Trailers

Trailers may only be used with the prior approval of the Authority and are subject to the following requirements:

- Trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank
- The trailer must at all times comply with all requirements of the Road Traffic legislation in particular the Road Vehicles (Construction and Use) Regulations 1986

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- The vehicle insurance must include cover for towing a trailer
- Trailers must not be let unattended anywhere on the highway
- The speed restrictions applicable to trailers must be observed at all times
- A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use

Disability Access

The design of a hackney carriage built or adapted for disabled passengers should ensure that any wheelchair is loaded from the side of the vehicle rather than the rear. The exception being when hydraulic lifting platforms are fitted to a vehicle.

Where a vehicle is used for the carriage of passengers in a wheelchair the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A suitable restraint must be available for the occupant of the wheelchair
- Access ramps or lifts to a vehicle must be securely fixed prior to use and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in a vehicle before it may move off

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998. Any such equipment must be maintained in good working order and be available for use at all times.

Where a vehicle is designed or adapted to carry a wheelchair, the vehicle licence holder shall ensure that the driver (unless exempt from loading wheelchairs on medical grounds) has received sufficient training to safely load and convey passengers using wheelchairs.

Vehicles powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to the licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice and that the vehicle is therefore considered safe.

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If an LPG conversion involves the installation of a fuel tank in the vehicle boot space (and possible relocation of the spare wheel) it is a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle.

Tinted Windows

Any window tint must comply with relevant UK legislation.

Changes

Notification of any changes affecting this vehicle licence must be made to the Licensing Service within 14 day of the change.

When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Licensing Service in writing before such change takes place.

Unauthorised Use

The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold the relevant licence issued by Blackpool Council.

Accident Reporting

If any licensed vehicle is involved in an accident this must be reported to the Licensing Service as soon as possible and in any event within 72 hours.

Where, following an accident or damage to a vehicle, it is the intention of the licence holder to continue to use the vehicle, the vehicle must be inspected (at the owner/operator's expense) to determine its fitness for continued use.

A vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle provided:

- The damage/defect has been reported
- Application is made in the usual way for a change of vehicle
- The replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes
- The hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator

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Appendix G – Exceptional Quality Policy

Vehicles must meet minimum emissions standards with reference to the year of manufacture.

1. The vehicle must pass the initial pit test – vehicles with four or fewer faults (excluding consumables – see guidance notes) will be permitted to undertake the necessary repairs and submit for a re-test; vehicles with five or more faults will fail and will not be permitted a re-test; and
2. The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with five or fewer defects as detailed below will be permitted to undertake necessary repairs and submit for a re-test. Vehicles with six or more defects will fail, and will not be permitted a re-test.

Exterior

- All bodywork to be clean and sound, free from rust, corrosion, dents, scrapes or significant scratches or loose panels.
- All paintwork must be in good condition when the vehicle is viewed in normal light conditions
- All wheel trims to be fitted according to the manufacturer's specification and all matched
- Door or wing mirrors to be in good condition. 2 wing mirrors and an interior mirror are required.
- Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Hinging rear number plates must be maintained so that the number plate is visible at all times.
- Front and rear bumpers to have no rust, corrosion, dents, cracks or scrapes and be securely fitted. End caps must be fitted
- Mud flaps, if fitted should be maintained
- No broken, cracked or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour
- Radiator grills should be secure and the original specification
- Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted
- All door locks and boot locks fitted to be in working order
- All doors should be easily opened and in good working order
- All door handles should be properly fitted easily operated and of original specification
- A spare wheel which conforms to legal requirements must be carried and securely fitted along with the relevant jack and wheel brace
- All tyres to conform to legal requirements

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- All road wheels to be clean and free from significant marks or damage
- Vehicle to have a current MOT certificate or certificate of compliance
- Evidence of servicing and maintenance over the last twelve months must be produced.

Interior

- All seats to be manufacturer's original design, should match, be securely fitted with no holes or tears,
- All seat belts should be clean, in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers should be properly fitted and match original trim
- All panels should be clean and match original trim
- Fitted carpets should be of original specification, securely fitted with no rips or holes
- All instruments and accessories should be fitted securely, match trim and be in good working order.
- Headlining to be clean with no holes or tears (unless repaired)
- All windows to operate correctly and easily
- Brake, clutch and accelerator pedal rubbers to be fitted and in good condition
- The inside of the vehicle should be free from any trailing or loose wires
- The boot and/or luggage space should be clean and tidy with an unstained carpet or cover to manufacturer's specification
- If a hatchback, the boot cover must be original with both lifting straps fitted. A cargo guard should be fitted in estate vehicles
- Gear lever gaiters, if fitted, should be in good condition
- All lights should be in working order with appropriate covers securely fitted
- Window locks, handles where provided by the manufacturer to be in working order
- Heated rear screen to be in proper working order.
- Ramps, if fitted must be in good working order.

Guidance notes

Mot items – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example a leaking brake cylinder and a bald tyre are **2 faults**.

Interior and exterior faults – as a general rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example – holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

Fixing – all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.

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Poor Workmanship – repairs should be carried out to a high standard. Defects resulting from poor preparation or poor application of a paint finish are likely to result in the vehicle not reaching the required standard. Such defects may include runs, dust in the paint, orbital sander marks, poor paint coverage and overspray.

Gloss Finish – Paintwork should have a gloss finish over the whole vehicle. Where the paintwork has begun to fade due to age and the effects of ultraviolet degradation over large areas of the vehicle, where it cannot be returned to an acceptable gloss level by the use of cutting compounds refinishing may be required.

Replacement panels – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that

- The repairs have been carried out to a high standard
- The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings, and
- The replacement panel has been correctly aligned, level with all adjacent panels. The gaps between panels should be uniform and similar to those between original panels.

Appeals

Where a proprietor is aggrieved by the decision of a vehicle tester concerning the standard of the vehicle, the initial appeal shall be to the mechanics supervisor. In the event that the proprietor remains aggrieved, a further appeal will lie to Steve Fulton CMU manager.

Further details of the appeals process are available on request.

Definition of consumables

The following items will not be counted as faults, but should be rectified as soon as reasonably practicable:

- Light bulbs not working
- No fire extinguisher
- No fare card on display
- Absence of vehicle signage
- A missing licence plate
- Taxi meter not operating correctly

Proposed Hackney Carriage and Private Hire Licensing Policy 2015

Appendix H - Private Hire Vehicle Licence Conditions

- a. This licence shall remain the property of Blackpool Council.
- b. At all times during the period of this licence there shall be in force in relation to the use of the vehicle as a private hire vehicle, a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988
- c. The proprietor shall notify the Council in writing of any change in his address during the period of this licence within 7 days of such change taking place.
- d. Vehicles with Dual fuel or “after market” liquid petroleum gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. For vehicles that have an LPG system fitted during the currency of a private hire vehicle licence, they must inform the Licensing Service in writing and produce the above certification within 7 days.
- e. No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council
- f. Where the vehicle is fitted with a meter, information shall be displayed where it can be viewed by the customer and in a format that can be easily understood detailing how the fare shown on the meter is calculated or it should contain a statement that the fares charged are less than the Council maximum rate
- g. Any damage to the vehicle materially affecting the safety, appearance or performance of the vehicle or the comfort or convenience of passengers shall be reported to the Council as soon as reasonably practicable and in any event within 72 hours of the occurrence of the damage
- h. The licence disc shall be securely affixed to the near side upper interior of the front windscreen so that the particulars are clearly visible to persons outside the vehicle.
- i. The licence disc shall remain the property of the Council at all times and shall be returned to the Council in the event of the surrender, suspension or revocation of the licence.
- j. The proprietor shall report to the Police and to the Council the loss or damage to the licence disc as soon as the loss or damage becomes known.
- k. A licence in respect of which the fee has been paid either in part or in full by a cheque or credit/debit card shall be of no effect in the event that of that payment being subsequently dishonoured.

Proposed Hackney Carriage and Private Hire Licensing Policy 2015

Appendix I - Private Hire Operator's Conditions

Records, which must be kept by operators, under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively for a period of 2 years. If records are kept in computerised format these should be kept for a period of two years (unless an alternative period has been agreed with the Council in writing) and should be made available to an authorised officer of the Council on request

Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -

- the date of the booking
- the name of the hirer
- the time of pick-up
- the address of the point of pick-up
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- Type, Make, Model, Colour and Engine Size of Vehicles
- the year when the vehicle was first licensed for private hire
- vehicle Registration Numbers
- the number of seats for passengers
- owners
- a copy of a current insurance certificate
- whether a meter is fitted
- Private Hire Vehicle Licence number
- A copy of the Private Hire Vehicle licence

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- details as to the drivers of the vehicles, and their call signs
- details of when any new driver begins service
- details of when any driver's service ceases

Proposed Hackney Carriage and Private Hire Licensing Policy 2015

- details of any change of address of any driver in service
- if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information
- expiry dates of driver's badges and vehicle licences
- a copy of the Private Hire drivers licence
- a copy of the DVLA licence

All records must be maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

The operator shall notify the Authority in writing of any change affecting this licence including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Officer.

The operator shall, within 7 days of conviction, notify the Licensing Service in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty.

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

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Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	1 st March 2016

REVIEW OF HORSE DRAWN HACKNEY CARRIAGE LICENSING POLICY

1.0 Purpose of the report:

- 1.1 To consider proposals from the Scrutiny review of Horse Drawn Hackney Carriages and consider whether it is necessary to review and update the Council's Horse Drawn Hackney Carriage Licensing Policy.

2.0 Recommendation(s):

- 2.1 To approve the Draft Horse Drawn Hackney Carriage Licensing Policy and approve a period of public consultation
- 2.2 To approve twelve week period of public consultation on the draft policy starting on the 14th March 2016.

3.0 Reasons for recommendation(s):

- 3.1 The existing Horse Drawn Hackney Carriage Licensing Policy requires revision following the recent Horse Drawn Hackney Carriage Scrutiny Review and in case is overdue for review.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priority is

“The economy – maximising growth and opportunity across Blackpool”

5.0 Background Information

5.1 The existing Horse Drawn Hackney Carriage Licensing Policy was approved in 2011 and is therefore overdue for review.

5.2 In October 2015 an “in day” review of all matters relating to the operation of horse drawn hackney carriages was conducted by the Tourism, Economy and Resources Scrutiny Committee. The report containing the Scrutiny Committee’s recommendations was approved by the Executive on 8th February 2016. The following recommendations were relevant to the review of the existing policy:

Recommendation 3

The Head of Licensing Services to investigate establishing a more stringent and rigorous driving test for horse drawn carriage operators. The new test should include:

- a) A theory test element
- b) Part of the test to be conducted off the public highway to examine drivers’ control of the carriage and ability to perform manoeuvres, as well as testing on animal husbandry and attaching the dung catching device.
- c) An increased amount of test time on the promenade
- d) Following completion of the above elements of the new test, the Horse Drawn Carriage Operator should be given a ‘provisional licence’. A full licence would then only be given following the completion of an appropriate number of supervised hours with an experienced Licensed Horse Drawn Hackney Carriage Operator. It was suggested that 100 hours may be considered appropriate.

Recommendation 4

A comprehensive review of the Licensed Horse Drawn Hackney Carriage Policy and Fare structure be undertaken by the Head of Licensing Service.

- a) This review to be undertaken in conjunction with the Highways and Traffic Management Services and representatives of Licensed Horse Drawn Hackney Carriage Operators, in order to consider where it would be appropriate to prohibit U-turns on the promenade.

5.3 As a result of these recommendations and due to the age of the existing policy officers have produced a draft horse drawn hackney carriage licensing policy for consideration by the Committee today. The draft policy can be found at Appendix 5a. Members are asked to note that the second part of recommendation 4 (above) does not form part of the policy review as any restrictions on use of the Promenade deemed necessary would have to be implemented by way of a traffic order. For this reason the need to prohibit U Turns will be considered separately.

5.4 The main changes proposed to the policy are:

- To align the requirements for medical clearance with those for the motorised hackney carriage trade;
- To ensure that applicants for new licences have adequate literacy and numeracy skills ;
- To ensure that applicants for new licences have completed training covering safeguarding, sexual exploitation, disability and dementia awareness, and equality and diversity;
- To expand the driving test for new applicants to mirror the recommendations of the Scrutiny Committee;
- To require all applicants for new licences to provide documentary evidence of their right to work in the UK;
- To adopt the policy on convictions and cautions developed by the Local Government Association;
- To require all existing licensed drivers to undergo safeguarding training.

Many of these changes mirror requirements in the Hackney Carriage and Private Hire Licensing Policy (Item 4 on this agenda).

If the draft policy is approved today a twelve week consultation will take place with the horse drawn hackney carriage trade and the public. The results of this consultation exercise will be brought back to the Licensing Committee for consideration before the proposed report is taken to the Executive for final approval.

5.5 Does the information submitted include any exempt information? No

5.6 **List of Appendices:**
Appendix 5a: Draft Policy for consultation

6.0 Legal considerations:

6.1 There are no legal considerations

7.0 Human Resources considerations:

7.1 There are no Human Resources considerations.

8.0 Equalities considerations:

8.1 There are no equalities considerations.

9.0 Financial considerations:

9.1 There are no financial implications arising from the recommendations contained in this report. The costs of consultation will be met from the existing Licensing budget.

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

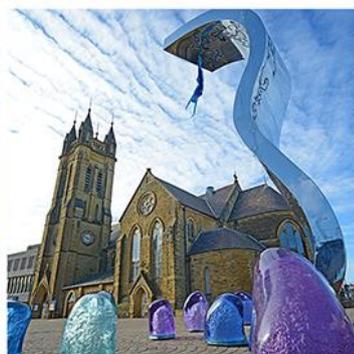
12.1 None

13.0 Background papers:

13.1 None

Appendix 5a: Draft Horse Drawn Hackney Carriage Licensing Policy

Blackpool Council



Draft Horse Drawn Hackney Carriage Licensing Policy

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Draft Horse Drawn Hackney Carriage Licensing Policy

1. Introduction

Blackpool Council is responsible for the regulation of horse drawn hackney carriages within the Borough of Blackpool.

When developing this policy the following have been taken into consideration:

- The aims and objectives of this policy (see below)
- Current legislation
- Regulators Code 2014
- Local Government Association template Criminal Convictions Policy 2015

This policy sets out the application requirement and standards that must be met by the horse drawn hackney carriage trade licensed by Blackpool Council. When carrying out its regulatory functions, the Council will have regard to this policy. Each application or enforcement measure will be considered on its own merits however where it is necessary to depart substantially from the policy, clear and compelling reasons will be given.

2. Aims and objectives of the licensing policy

The principal purpose of horse drawn hackney carriage licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public

Blackpool Council will carry out this licensing function with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- The safety and health of the public and drivers
- Carriage safety, comfort and access
- The welfare of the horses used in connection with the carriages.

The Council aims to ensure that the horse drawn hackney carriage services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

Draft Horse Drawn Hackney Carriage Licensing Policy

3. Delegations

Under the Council's Constitution, the Public Protection Sub-Committee has the authority to discharge non-executive regulatory functions with respect to horse drawn hackney carriage licensing. The Sub-Committee will determine applications, contraventions, suspensions and revocations.

The Head of Licensing Services has delegated powers to grant licences where there are no criminal or other concerns that give rise to doubts over the suitability of the applicant to hold a licence.

The Head of Licensing Services or in their absence the Licensing Enforcement and Health and Safety Manager, after consultation with the Chair or in their absence Vice-Chairman of the Public Protection Sub-Committee may:

- Issue warning letters on behalf of the Sub-Committee
- Suspend horse drawn hackney carriage drivers with immediate effect

Horse drawn hackney carriages may be suspended by the Head of Licensing Services or in their absence the Licensing Enforcement and Health and Safety Manager, if it cannot be established that the carriage is suitably insured.

4. Horse Drawn Hackney Carriage Drivers

An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.

4.1 Fit and Proper Person Test

Licensed drivers are in a position of trust. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.

Whilst there is no definition of a fit and proper person, decisions from Courts over the years have come to the conclusion that the Council is effectively asking the following question

Draft Horse Drawn Hackney Carriage Licensing Policy

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.

Factors that will be taken into account when reaching a decision include:

- Age – a licence will not be granted to a person under the age of 18
- Criminality (whether the applicant has any criminal convictions or cautions)
- Driving licence – length held and penalty points endorsed
- Right to work in the UK
- Medical Fitness
- General conduct/standards of behaviour
- Conduct of the applicant during the application process
- Previous licensing history
- Ability to communicate and understand English

This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as Lancashire Constabulary, Safeguarding Boards and other licensing authorities as appropriate.

4.2 Making an application

It is the policy of the licensing authority that every application for a licence to drive a Horse Drawn Hackney Carriage must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -

- That the applicant has the right to live and work in the country
- An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness to Group 2 standard

Applications will not be considered until the following has been established:

- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for

Draft Horse Drawn Hackney Carriage Licensing Policy

- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- That the applicant has completed training specific to the service that they wish to be licensed to provide (including in respect of safeguarding, sexual exploitation, disability and dementia awareness and equality and diversity)

4.2.1 Application form

Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that information requested, for example previous convictions and cautions, will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as horse drawn hackney carriage drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Care should be taken when completing the form as failure to make full and accurate disclosure can in itself result in refusal of the application.

Renewal applications where a DBS is required must be submitted at least **six weeks** prior to the expiry of the previous licence to ensure that the DBS certificate is received and the new licence and badge can be issued before the expiry of the current licence.

Once the licence has expired renewal applications cannot be accepted and all applications will be treated as “new”. Applications submitted less than one calendar month before expiry will be able to rely on existing medical and DBS clearance (if in date) however applicants will be unable to drive until their new badge has been issued to them – this may take a few days.

4.2.2 Disclosure and Barring Service Check

A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.

Before an application will be considered, the applicant must provide a current enhanced disclosure certificate. In this context “current” means less than three months old. DBS certificates are ordinarily applied for through the Council’s Licensing Service however a certificate obtained elsewhere will be acceptable if it is less than three months old and has been processed in relation to both the child and adult workforce employment position (this is specified on the certificate)

Draft Horse Drawn Hackney Carriage Licensing Policy

It should be noted that the DBS send the certificate to the applicant direct. The original certificate must be produced to the Licensing Service to progress the application.

A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.

So that the licensing authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the licensing authority's policy to require applicants to register for the DBS's update service and to nominate the licensing authority to receive updates. Registration lasts for 1 year and costs £13 per year. Licensees are expected to maintain this registration and nomination throughout the duration of their licence.

More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

Applicants with periods of residency outside the UK

If a new applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period before an application can be made.

4.2.3 Relevance of Convictions and Cautions.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits having regard to its policy on convictions and cautions which can be found at Appendix A.

4.2.4 Medical Assessment

Previously only horse drawn hackney carriage drivers over the age of 65 have been required to submit evidence of their medical fitness before being licensed. It is now proposed to bring medicals for horse drawn hackney carriage drivers into line with those already in existence for motorised hackney carriage drivers

The DVLA recommend that hackney carriage and private hire drivers should be subject to the Group 2 medical standards applicable to applicants for licences to drive buses and lorries, therefore with effect from 1st September 2016 the authority proposes to introduce this medical standard for both new applicants and existing horse drawn hackney carriage drivers applying for renewal.

Applicants are required to undergo a medical assessment on first application, on reaching the age of 45 years then every 5 years thereafter until the age of 65 when annual examinations will

Draft Horse Drawn Hackney Carriage Licensing Policy

be required. Holders of current PSV and/or HGV licences where the holder is able to produce proof of a current medical examination will not be required to undergo further assessment.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the Council.

Licence holders must advise the licensing service of any deterioration or other change in their health that may affect their driving capabilities – this includes, but is not restricted to the list of conditions which must be notified to the DVLA. Where there remains any doubt about the fitness of the applicant, the Public Protection Sub-Committee will review the medical evidence and make a final decision.

No licence shall be issued until medical clearance (if required) has been established.

Exemption Certificates

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in a prominent position in the carriage.

4.2.5 Driving Test

The licensing authority needs to be satisfied that the applicant for a new horse drawn hackney carriage driver's licence is an experienced carriage driver capable of working safely in an area with a large volume of pedestrian and vehicular traffic. One of the recommendations of the Horse Drawn Hackney Carriage Scrutiny in 2015 was that a more stringent and rigorous driving test for prospective horse drawn hackney carriage drivers should be developed to include both a theory and an extended practical test.

With effect from the date of implementation new applicants for horse drawn hackney carriage drivers will be tested as follows:

- a) Theory test - this test can be either written or oral;
- b) Off-road test – to examine a driver's control of the carriage, ability to perform manoeuvres, knowledge of animal husbandry and ability to attach the dung catching device; and
- c) Promenade test – extended test on the Promenade testing ability to
 - manoeuvre in traffic, and
 - parking on ranks

Draft Horse Drawn Hackney Carriage Licensing Policy

Once a new applicant has passed all three elements of the test and received both medical and DBS clearance they will be issued with a provisional licence which would allow the driver to operate under the supervision of an experienced horse drawn hackney carriage driver approved by the Council for this purpose. Once the provisional driver has satisfactorily completed 100 hours driving experience they may be issued with a full horse drawn hackney carriage driver's licence.

Applicants who have been licensed previously by Blackpool Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.

4.2.6 Safeguarding Training

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

To ensure a consistent approach to this training across Lancashire a training package has been prepared. The intention is that this will be delivered to new applicants as part of the knowledge test.

It is important that all licensed drivers receive the same level of training therefore all existing drivers will be required to undertake the training which will consist of a power point presentation and a short test. The intention is to work with the licensed trade to agree appropriate timescales. Comments are invited on how the training should be delivered to existing drivers.

4.2.7 Right of driver to work in the UK

The Council will require all applicants for new licences to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include (but are not limited to):

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- Full UK birth/adoption certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment

Draft Horse Drawn Hackney Carriage Licensing Policy

- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

4.3 Standards expected of a licensed driver

4.3.1 General Conduct

The standards expected of licensed drivers are set out in the Code of Good Conduct. This code, set out at Appendix B should be read in conjunction with the other statutory and policy requirements set out in this document.

4.3.2 Dress Code

It is recognised that the horse drawn hackney carriage trade plays an important part in portraying a positive image of Blackpool.

Anything that serves to enhance the professional image of the trade and promotes the concept that the drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that the objectives above are met a dress code for licensed drivers has been set see Appendix C.

4.3.3 Code of Conduct when working with vulnerable passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed carriage. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This Code can be found at Appendix D.

Draft Horse Drawn Hackney Carriage Licensing Policy

5 Horse Drawn Hackney Carriages

5.1 Limitation of numbers

The grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that there is no significant demand for the services of hackney carriages in the area which is unmet.

Blackpool Council does limit the number of hackney carriages to 256 motorised and 44 horse-drawn. The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Council, the findings of which are available on request.

5.2 Carriage Specification

The Council is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

(1) A district council* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary

(2) Without prejudice to the generality of the forgoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.

(*A District Council is deemed by the Act to include Unitary Authorities)

The basic requirements for a carriage are:

- Must be driven by only one horse;
- Four wheels;
- A compartment for passengers to be carried in;
- Capable of carrying a minimum of four and up to six passengers (dependent upon construction)
- Be constructed to a suitable standard and quality to be a licensed carriage
- In the opinion of the Council appointed inspector safe for use as a hackney carriage vehicle on a road.

There is no prescribed style of carriage. Whilst it is open to operators to source new styles of carriage, the ultimate decision on licensing rests with members of the Public Protection Sub-

Draft Horse Drawn Hackney Carriage Licensing Policy

Committee. Applicants proposing to licence a carriage other than a traditional style landau will be required to produce the carriage to the Sub-Committee for inspection and approval.

5.3 Carriage Testing

All carriages to be licensed for the forthcoming year must be presented for inspection and testing on the date appointed by the licensing authority. All licence holders will be given advance notice of the dates and location of the annual test.

All carriages must be produced with a full set of tack, although in the case of multiple licence holders, each carriage need not be produced with its own horse.

From time to time it will be necessary to have a carriage inspected either after accident damage or where there is to be a change of carriage part way through the season. Private arrangements must not be made with the Council appointed inspector, instead, all inspections must be arranged through the licensing service and a licensing/enforcement officer must be present when the inspection takes place.

5.4 Signage

Every licensed carriage must display a plate to the rear which indicates the licence number and licence expiry date together with any additional information that the Authority may from time to time prescribe.

5.5 Horses

Horses must be suitable and at least 6 years old to be used in connection with any horse drawn hackney carriage.

The Council will issue any new horses with a 'trial certificate' which allows the horse to be used in connection with a horse drawn hackney carriage for 1 month to allow assess the horse to be assessed for its suitability to be used as a working horse.

All horses used in connection with a horse drawn hackney carriage must be inspected by a qualified equine veterinary surgeon. A veterinary certificate for the horse must be produced to the Council every 12 months.

Draft Horse Drawn Hackney Carriage Licensing Policy

5.6 Application Process

The Council will consider all applications for horse drawn vehicle licences on their own merits.

A valid application will consist of:

- Vehicle application form
- Public liability insurance
- Vets certificate and horse passports for the horses to be used.
- Fee

An application will not be considered until all of the required documents have been produced.

Applications for carriages that are in the opinion of the licensing service of traditional landau design or have previously received approval from the Sub-Committee may be granted under delegated powers. All other carriages must be approved by the Sub-Committee before they can be licensed.

Successful applicants will be issued with a horse drawn hackney carriage licence together with the licence plate which must at all times be displayed at the rear of the vehicle.

Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal.

5.7 Grant and renewal of licences

Vehicle licences will be issued for a period of 12 months. Each carriage will be issued with a plate to be affixed to the rear stating amongst other things the number of passengers that may be carried, usually six. For the avoidance of doubt the Council considers that the maximum number of people that may be in/on a carriage at any time in addition to the number of passengers stated on the licence is the driver plus a trainee driver/groomsman (if necessary). The only people permitted to sit next to the driver are a groomsman/trainee driver.

5.8 Change of Vehicle

Historically, the licensing service have permitted vehicle licence holders who wish or need to change their vehicle to do a vehicle change to enjoy the benefit of the unexpired portion of the licence. The only charge for this was for the vehicle plates/disc.

The proposal is that this practice will cease and from the date this policy comes into force licence holders wishing to change vehicles must apply for a new vehicle licence. This decision has been

Draft Horse Drawn Hackney Carriage Licensing Policy

taken due to the number of these applications now being received and the fact that it is the correct approach lawfully. Refunds for complete months outstanding on the existing licence will be given.

5.9 Conditions

The Council may attach such conditions as it considers reasonably necessary to the grant of a vehicle licence.

The following conditions are attached to all horse drawn hackney carriage licences:

1. No horse shall be harnessed to, or used in connection with the licensed vehicle unless within the preceding twelve months, a veterinary surgeon has examined the horse and issued in respect of it a certificate of fitness in a form approved by the Council. This certificate shall be returned to the Licensing Service forthwith
2. Vets papers relating to the horse in harness should be available for inspection on request by an authorised officer
3. A horse which is harnessed to or used in connection with a licensed hackney carriage shall not be used for more than seven hours of work in any one day.
4. If in harness for seven consecutive hours the horse shall during that period have a break of not less than one hour and shall be fed and watered,
5. No horse shall be harnessed to or used in connection with the licensed vehicle unless it is fitted with an identifying microchip, the number of which has been notified to the Licensing Service
6. All carriages must be fitted with a dung catching device while the carriage is in use on any public highway. If requested to do so by a licensing enforcement officer, a tight leather strap must be placed between the bungee and the lock to prevent the bungee from sliding back.
7. Lights and signals (where so directed) should be fitted to the carriage at all times and should be capable of being lit by the driver. Between dusk and dawn lighting on a carriage is restricted to two standard rear position lamps and two standard front position lamps only
8. The table of fares as prescribed by Blackpool Council shall be displayed in the carriage in such a manner that it is capable of being easily viewed by the passengers being conveyed in the carriage.
9. When carrying members of the public, only persons registered with/licensed by Blackpool Council in respect of horse drawn hackney carriages and the fare paying passengers may be carried on the vehicle. Members of the public must be seated within the carriage and must not sit next to the driver.

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5.10 Accidents

If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the licensing service as soon as possible and in any event within one working day. An accident report form must then be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing service may agree to the report being filed outside of that time limit).

The vehicle must be presented for inspection at the Council appointed carriage inspector as soon as possible after the accident has taken place at the licence holder's expense. The inspection should be booked via the licensing service. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.

5.11 Fares

The Council sets the maximum rates that may be charged by horse drawn hackney carriage vehicles.

6 Compliance and Enforcement

6.1 Enforcement

The principal purpose of hackney carriage licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.

The Regulator's Code was brought into force in 2014 which states that the Council should:

- Carry out their activities in a way that supports those they regulate to comply and grow,
- Provide simple and straightforward ways to engage with those they regulate and hear their views,
- Base their regulatory activities on risk,
- Share information about compliance and risk,
- Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply,

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- Ensure that their approach to their regulatory activities is transparent.

Where appropriate, referrals will be made to other agencies. This will include but is not limited to the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as a part of programmed operations.

6.1.1 Disciplinary Hearings

Licence holders may be referred to the Public Protection Sub-Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Sub-Committee will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

Warnings

These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Sub-Committee for any other reason.

Suspensions

Carriages can be suspended in accordance with section 68 Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle.

Drivers can be suspended under section Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect.

Revocations

Both vehicle and drivers licences may be revoked by the Sub-Committee.

If the seriousness of the case merits revocation, this course of action will be available to the Sub-Committee even if it is the first enforcement action taken against the driver/vehicle.

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Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a horse drawn hackney carriage driver's licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from dishonest person.
 - The safeguarding of children, young persons and vulnerable adults.
- 1.3 The term " fit and proper person" for the purposes of licensing is not legally defined and in assessing whether someone is "fit and proper" the Council will consider the following together with any other relevant information:
- Criminality
 - Human rights
 - Period of holding a driver's licence
 - Number of penalty points endorsed on driving licence
 - Right to work
 - Medical fitness
 - Conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
 - Previous licensing history of existing and former licence holders.

In addition the Council will also consider further information provided by sources such as Lancashire Constabulary (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

- 1.4 This policy provides guidance to any person with an interest in horse drawn hackney carriage licensing. In particular, but not exclusively:
- Applicants for drivers' licenses
 - Existing licensed drivers whose licences are being reviewed

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- Licensing officers
- Members of the Licensing Committee and Public Protection Sub-Committee
- Magistrates hearing appeals against local authority decisions

1.5 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Public Protection Sub-Committee. Whilst officers and the Sub-Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.**

2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 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 her 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 may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).

2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3 Appeals

3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

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- 3.2 Any licensed driver whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.

4. Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a horse drawn hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a horse drawn hackney carriage drivers' licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for,
 - How serious the offence(s) were,
 - When the offence(s) were committed,
 - The date of conviction,
 - Circumstances of the individual concerned,
 - Sentence imposed by the court,

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- The applicant's age at the time of conviction,
 - Whether they form part of a pattern of offending,
 - Any other character check considered reasonable (e.g. personal references),
 - Any other factors that might be relevant.
- 5.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 478343 in confidence for advice.
- 5.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 5.7 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.8 For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence.
- 5.9 Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licensed driver is a fit and proper person.

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6 Serious offences involving violence

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 10 years prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm which is racially aggravated
 - Grievous bodily harm with intent
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated
 - Violent disorder
 - Resisting arrest
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 5 years prior to the date of application:
- Racially-aggravated criminal damage
 - Racially-aggravated offence
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:
- Common assault
 - Assault occasioning actual bodily harm
 - Affray
 - S5 Public Order Act 1986 offence (harassment, alarm or distress)
 - S.4 Public Order Act 1986 offence (fear of provocation of violence)
 - S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - Obstruction
 - Criminal damage
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

7. Possession of a weapon

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

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8. Sex and indecency offences

- 8.1 As licensed drivers can carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Grooming, trafficking for sexual exploitation or other sexual exploitation related offences
 - Possession of indecent photographs, child pornography etc.
 - Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 8.3 Before an application will be considered, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences (including attempted or conspiracy to commit).
- 8.4 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.5 A licence will not normally be granted if an applicant has more than one conviction for a sexual/indecency offence.

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9. Dishonesty

- 9.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:
- theft
 - burglary
 - fraud
 - benefit fraud
 - handling or receiving stolen goods
 - forgery
 - conspiracy to defraud
 - obtaining money or property by deception
 - other deception
 - taking a vehicle without consent
 - and any similar offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
- 9.4 Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.

10. Drugs

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

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- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 10.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.
- 10.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

11 Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

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

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

12 Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

- 12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least three years, after the restoration of the driving licence following a

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drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

- 12.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research for example which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them
 - fail to see road signs
 - fail to maintain proper lane position and steady speed
 - are more likely to 'tailgate' the vehicle in front
 - react more slowly, take longer to brake and longer to stop
 - are more likely to enter unsafe gaps in traffic
 - feel more stressed and frustrated.

<http://www.rosipa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>

- 12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 12.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

13 Licensing offences

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

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14 Insurance offences

- 14.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
- 14.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

15 Outstanding charges or summonses

- 15.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 15.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

16 Non-conviction information

- 16.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 16.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

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17 Cautions

- 17.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

18 Licences issued by other licensing authorities

- 18.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 18.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

19 Summary

- 19.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 19.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 19.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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Appendix B - Code of Conduct for Licence Holders

This code of conduct should be read in conjunction with the other statutory and policy requirements set out in this document.

Licence holders shall endeavour to promote the image of the horse drawn hackney carriage trade by:

- Complying with the Code of Conduct;
- Complying with all the conditions of their licence, the Horse Drawn Hackney Carriage Licensing Policy and where applicable the hackney carriage byelaws
- Behaving in a civil, orderly and responsible manner at all times

Licence holders shall:

- Maintain their carriage in a safe and satisfactory condition at all times;
- Keep their carriage clean and suitable for hire to the public at all times;
- Attend punctually when undertaking a pre-booked hiring;
- Assist, where necessary, passengers into and out of the carriage

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall in addition to the above:

- Rank in an orderly manner and proceed along the rank in order, moving along promptly
- Remain in or near to the carriage

Licensed drivers shall

- Pay attention to personal hygiene and dress so as to present a professional image to the public;
- Be polite and helpful to passengers
- Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans gender, religion or belief
- Drive with care and due consideration for other road users and pedestrians
- Obey all traffic order and directions at all times
- Not consume alcohol
- Not use a hand held mobile phone whilst the carriage is in motion
- Not smoke whilst on the vehicle

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Appendix C - Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the horse drawn hackney carriage trade in Blackpool to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum** standard, males should wear knee length shorts/long legged trousers and a shirt which has a full body and as a minimum short sleeves.

As a **minimum** standard, females should wear knee length shorts/long legged trousers, skirt or dress and a shirt / blouse which has a full body and as a minimum short sleeves.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

- (a) Clothing that is not kept in a clean condition, free from holes and rips.
- (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
- (c) Sportswear (e.g. football / rugby kits, track suits, beach wear etc.).
- (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- (e) Drivers not having either the top or bottom half of their bodies suitably clothed.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity

The above lists are not exhaustive and Authorised Officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the Officer's decision will have effect as though it were included in the above lists and the licensed driver will be required to comply accordingly.

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Appendix D - Code of Conduct when working with vulnerable passengers

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

The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:

Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws

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

When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.

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

Always ask if a vulnerable person needs help do not assume

Drivers should remain professional at all times and should not:

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

A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.

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If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

If you are concerned about someone else's conduct you should report your concerns to the Council's licensing department 01253 478343, the police on 101 or Crimestoppers 0800 555111

Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	1 st March 2016

STREET COLLECTION REGULATIONS

1.0 Purpose of the report:

1.1 To consider amendments to the Street Collection Regulations for Blackpool.

2.0 Recommendation(s):

2.1 The Committee will be requested to recommend to Council as follows:

1. To authorise the Chief Executive to forward these draft regulations to the Secretary of State for formal approval.
2. Subject to the approval of the Secretary of State, to undertake the necessary advertising as required under Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

3.0 Reasons for recommendation(s):

3.1 The Regulations were approved in 1996 and a review has been undertaken to ensure that they remain fit for purpose.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

The regulations could remain as approved in 1996 but it is clear that these regulations are no longer fit for purpose.

4.0 Council Priority:

4.1 The relevant Council Priority is

“The economy – maximising growth and opportunity across Blackpool”

5.0 Background Information

5.1 Street Collection Permits are issued under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916. This Act permits a local authority to make regulations in respect of places where and conditions under which persons may be permitted to collect money for charitable or other purposes.

5.2 The Charitable Collections (Transitional Provisions) Order 1974 details how regulations can gain approval and provides a set of model street collection regulations

5.3 The current street collection regulations were approved in 1996 therefore the opportunity has been taken to review them and ensure that they are fit for purpose.

5.4 The draft proposed regulations are at Appendix 6a.

5.5 The main changes proposed are as follows:

- a) Regulation 7 - amended to clarify that collections may only take place on footpaths however the Council may permit collections on the carriageway in certain circumstances, including the illuminations collections;
- b) Regulation 9 – to make it clear that collectors must not approach people asking them to donate money, instead they should wait for the member of the public to approach them;
- c) Regulation 16 – to delete the requirement to publish details of the amounts collected in a local newspaper due to the cost of advertising. Instead details of the returns made will be published online on the Council’s website. The regulation is also amended to require collections in excess of £1,000 to be certified by a qualified accountant.

5.6 These draft regulations must be approved by Council. They can only take effect once they have been confirmed by the Secretary of State and they have been advertised in accordance with a direction made by the Secretary of State.

- 5.6 Does the information submitted include any exempt information? No
- 5.7 **List of Appendices:**
Appendix 6a: Draft Regulations
- 6.0 Legal considerations:**
- 6.1 For the regulations to take effect once approved, they must be confirmed by the Secretary of State and advertised in such manner as required by the Secretary of State.
- 7.0 Human Resources considerations:**
- 7.1 There are no Human Resources considerations.
- 8.0 Equalities considerations:**
- 8.1 There are no equalities considerations.
- 9.0 Financial considerations:**
- 9.1 There are no financial implications arising from the recommendations contained in this report.
- 10.0 Risk management considerations:**
- 10.1 None
- 11.0 Ethical considerations:**
- 11.1 There are no ethical considerations.
- 12.0 Internal/ External Consultation undertaken:**
- 12.1 None
- 13.0 Background papers:**
- 13.1 None

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REGULATIONS MADE BY BLACKPOOL COUNCIL WITH REGARD TO STREET COLLECTIONS

In exercise of the powers conferred upon it by Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972, and Schedule 29 to that Act, Blackpool Borough Council hereby makes the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the Borough of Blackpool to collect money or sell articles for the benefit of charitable or other purposes:-

1. In these Regulations, unless the context otherwise requires –
 - “collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;
 - “promoter” means a person who causes others to act as collectors;
 - “permit” means a permit for a collection;
 - “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
 - “collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Borough of Blackpool unless a promoter shall have obtained a permit from Blackpool Council.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection; provided that Blackpool Council may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. Blackpool Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6. (1) No person may assist or take part in any collection without the written authority of a promotor.

(2) Any person authorised under paragraph (1) above shall produce written authority forthwith for inspection on being requested to do so by a duly authorised officer of Blackpool Council or Lancashire Constabulary.
7. Collections must take place on footpaths (where they are provided) not the carriageway of any street; provided that Blackpool Council may, if it thinks fit; allow a collection to take place on the said carriageway where:
 - (i) Such collection has been authorised to be held in connection with a procession, fun run or similar activity, or where traffic has been prohibited from using the carriageway during the period that the collection is permitted; or
 - (ii) Such collection is undertaken as part of an authorised collection on behalf of the Illuminations fund.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person. For the avoidance of doubt collectors must not approach members of the public to ask for donations.
10. While collecting –
 - (a) A collector shall remain stationary; and
 - (b) A collector or two collectors together shall not be nearer to another collector than 25 metres; provided that Blackpool Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession, fun run or similar activity.
11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector, provided that Blackpool Council may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.
12. (1) Every collector shall carry a collecting box.

- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (3) All money received by a collector from contributors shall immediately be placed in a collection box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promotor.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit or any collecting box which is not duly numbered.
14. (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person,
- (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank,
- (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector.
- (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by Blackpool Borough Council.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to Blackpool Borough Council:
- (a) A statement in the form set out in the Schedule to these Regulations, or in a form to the effect, showing the amount received and the expenses and payments incurred in connection with such a collection, and certified by that person;
- (b) A list of the collectors;
- (c) A list of the amounts contained in each collecting box;

and shall, if required by Blackpool Borough Council, satisfy it as to the proper application of the proceeds of the collection.

(2) In the event that in excess of £1,000.00 is raised as a result of the collection the certificate referred to in 16 (1) (a) above shall be completed and signed by a qualified accountant

(3) Blackpool Council may, if satisfied there are special reasons for doing so, extend the period of one month referred to in 16 (1) above.

(4) For the purposes of this Regulation a “qualified accountant” means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified Accountants;

The Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply:-

(a) In respect of a collection taken at a meeting in the open air; or

(b) To the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

These Regulations shall come into operation upon the expiration of the period of one month beginning with the date on which they are confirmed by the Secretary of State and all other Street Collection Regulations having effect within the Blackpool Borough are hereby repealed with effect from the date on which these Regulations come into force.

The Secretary of State this day confirmed the foregoing Regulations and directed that the same should be published by the insertion of an announcement in two successive issues of two newspapers circulating in the Blackpool Borough stating that such Regulations have been made and confirmed and that copies can be obtained on application to Blackpool Borough Council, PO Box 77, Town Hall, Blackpool FY1 1AD.

GIVEN under the Common Seal of Blackpool Borough Council on

THE COMMON SEAL OF Blackpool)

Borough Council was hereunto)

Affixed in the presence of:-)

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