

# Public Document Pack

# Blackpool Council

24 May 2019

To: Councillors Baker, Brookes, Mrs Callow JP, G Coleman, Collett, Cox, Critchley, Farrell, Hunter, Hutton, Matthews, O'Hara, Roberts, D Scott and Wilshaw

The above members are requested to attend the:

## LICENSING COMMITTEE

Monday, 3 June 2019 at 6.00 pm  
in Committee Room A, Town Hall, Blackpool

## 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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 4 DECEMBER 2018 (Pages 1 - 2)

To agree the minutes of the last meeting held on 4 December 2018 as a true and correct record.

### 3 FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE (Pages 3 - 6)

Members are requested to consider the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year.

#### **4 REVIEW OF LICENSING POLICIES**

(Pages 7 - 100)

To make the Committee aware of the reasons for reviewing the Statement of Licensing Policy.

To seek the Committee's views on reviewing the existing Hackney Carriage and Private Hire Policy, the Scrap Metal Policy and the Sex Establishment Policy.

To update members on the status of other licensing policies.

#### **5 LICENSING UPDATE**

(Pages 101 - 104)

To update the Committee on the details of licences applied for, dealt with and appealed in the period 1 January 2019 to 17 May 2019.

##### **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](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Cox	Hunter	Ryan
Critchley	Mitchell	Mrs Scott
Humphreys	Owen	Singleton

### **In Attendance:**

Mr Lennox Beattie, Executive and Regulatory Manager  
Mrs Sharon Davies, Principal Licensing Solicitor

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE LAST MEETING HELD ON 2 OCTOBER 2018**

The Licensing Committee considered the minutes of the last meeting held on 2 October 2018.

### **Resolved:**

That the minutes of the meeting held on 2 October 2018 be approved and signed by the Chairman as a correct record.

### **3 STATEMENT OF GAMBLING POLICY**

The Licensing Committee considered, following a six week period of consultation, the statement of Licensing Policy under the Gambling Act 2005. Mrs Sharon Davies, Principal Licensing Solicitor, presented the revised statement of Licensing Policy and highlighted that a period of consultation had taken place between 18 October 2018 and 30 November 2018. Mrs Davies reminded members that the policy had been presented to the 2 October 2018 meeting of the Committee where the main changes in the document regarding local risk assessments, local area profile and general standards for all gambling premises which had been included in the statement of policy to meet the statutory regulations and guidance from the Gambling Commission had been highlighted. Mrs Davies confirmed that in line with the report there had been only one representation which had been attached at Appendix 3b to the agenda and that no changes had been proposed as a result of that representation.

## MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 4 DECEMBER 2018

### Resolved:

1. To note the representation received during the consultation, as attached at Appendix 3b to the agenda, and to agree to make no amendments to the draft Statement of Gambling Policy in response to that representation.
2. To approve the Statement of Gambling Policy, as attached at Appendix 3a to the agenda, and recommend its approval to the Executive for recommendation to Council.

### Chairman

(The meeting ended at 6.05 pm)

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

<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Partnerships
<b>Date of Meeting</b>	3 June 2019

## FORMATION OF A PUBLIC PROTECTION SUB-COMMITTEE

### 1.0 Purpose of the report:

1.1 Members are requested to consider the formation of a Public Protection Sub-Committee for the forthcoming Municipal Year.

### 2.0 Recommendation(s):

2.1 To agree to the formation of a politically balanced Public Protection Sub-Committee with a membership of 9 (5 Labour, 3 Conservative and 1 Norbreck Independent).

2.2 Subject to the approval of 2.1 above, to note the membership of the proposed Sub-Committee as informed by the Group Leaders as follows: Councillors Collett, Critchley, Farrell, Hunter, Hutton, D Scott, R Scott, Wilshaw and Councillor Mrs Callow.

2.3 That the functions assigned to the Public Protection Sub-Committee continue to be those as set out in Part 3 of the Council's Constitution.

2.4 To consider whether or not to appoint at this meeting, the Chairman and Vice-Chairman of the Public Protection Sub-Committee.

2.5 To note that the meeting of the Public Protection Sub-Committee on the 12 June 2019 will start at 10am and to request the Public Protection Sub-Committee to consider the start-time of its future meetings.

### 3.0 Reasons for recommendation(s):

3.1 Following the confirmation of the Committee structure at the Council meeting on the 22 May 2019, if the Licensing Committee wishes to delegate functions to a Public Protection Sub-Committee such a body needs to be created.

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 create a Public Protection Sub-Committee which would mean that all the functions previously delegated would remain the responsibility of the Licensing Committee.
- 4.0 Council Priority:**
- 4.1 The relevant Council priority is: "Creating stronger communities and increasing resilience".
- 5.0 Background Information**
- 5.1 The Council at its meeting on 22 May 2019 recommended the re-appointment of a politically balanced Public Protection Sub-Committee with a membership of 9(5 Labour, 3 Conservative and 1 Norbreck Independent). The functions assigned to the Sub-Committee are as set out in Part 3 of the Council's Constitution. The Council agreed to recommend that the Sub-Committee continues to meet on a monthly basis.
- 5.2 The functions of the Licensing Committee under the Licensing Act 2003 would continue to be discharged by panels consisting of 3 members of the Licensing Committee. Members are reminded that these Panels are appointed as required by the Head of Democratic Governance.
- 5.3 If the Committee agrees to the creation of a Public Protection Sub-Committee, it should also consider whether it wishes to appoint a Chairman and Vice-Chairman at this meeting or to leave the appointments for consideration by the Sub-Committee itself.
- 5.4 The Council at its meeting on the 22 May 2019 did not agree a set meeting time for the Public Protection Sub-Committee as given the length of the previous meetings it is considered that a 6pm may no longer be suitable. In view of the large number of items the meeting on Wednesday 12 June 2019 will start at 10am. The Public Protection Sub-Committee will then be asked to consider further the issue of meeting start-times.
- 5.5 Does the information submitted include any exempt information? No

**5.6 List of Appendices:**

None.

**6.0 Legal considerations:**

6.1 This Committee was reconstituted at the meeting of the Council on 22 May 2019 and as such the Public Protection Sub-Committee has to be reconstituted for this Municipal Year, in order for it to carry out its duties.

**7.0 Human Resources considerations:**

7.1 None.

**8.0 Equalities considerations:**

8.1 None.

**9.0 Financial considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Internal/ External Consultation undertaken:**

11.1 None.

**12.0 Background papers:**

12.1 None.

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<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager Public Protection
<b>Date of Meeting</b>	3 June 2019

## REVIEW OF LICENSING POLICIES

### 1.0 Purpose of the report:

- 1.1 To make the Committee aware of the reasons for reviewing the Statement of Licensing Policy.
- 1.2 To seek the Committee's views on reviewing the existing Hackney Carriage and Private Hire Policy, the Scrap Metal Policy and the Sex Establishment Policy.

To update members on the status of other licensing policies.

### 2.0 Recommendation(s):

- 2.1 To note the procedure for reviewing the Statement of Licensing Policy as outlined in paragraphs 5.1, 5.2, 5.3 and 5.4 of this report.
- 2.2 To request the Trading Standards and Licensing Manager to begin an exercise to review the Hackney Carriage and Private Hire Policy attached at Appendix 4a and bring a report back to the Licensing Committee.
- 2.3 To request the Trading Standards and Licensing Manager to begin an exercise to review the Scrap Metal Policy attached at Appendix 4b and bring a report back to the Licensing Committee.
- 2.4 To request the Trading Standards and Licensing Manager to begin an exercise to review the Sex Establishment Policy.

### 3.0 Reasons for recommendation(s):

- 3.1 A review of the Statement of Licensing Policy under the Licensing Act 2003 is required by legislation

Council Officers are of the opinion that the Hackney Carriage and Private Hire Policy should be reviewed as the last full review took place in 2016. This equal applies to

the Scrap Metal Policy and the Sex Establishment 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:

The Council is required by legislation to review and refresh the Statement of Licensing policy. The Licensing Committee could decide not to review the Hackney Carriage and Private Hire policy, the Scrap Metal Policy and the Sex Establishment Policy.

#### **4.0 Council Priority:**

4.1 The relevant Council priority is: "Creating stronger communities and increasing resilience".

#### **5.0 Background Information**

##### **5.1 Licensing Act 2003**

Under section 5 Licensing Act (the Act), the Council, as licensing authority is required determine its policy with respect to the exercise of its licensing function and publish a statement of that policy. This policy must be reviewed every five years. The Council's existing policy only has effect until 31 December 2019. To ensure that a revised policy is in place for 1 January 2020, the Committee must start the process of reviewing and consulting on a policy.

5.2 The process for agreeing a revised statement of policy is as follows:

1. A policy will be drafted taking into consideration the advice given to local authorities by the Secretary of State.
2. This document will be brought to the Licensing Committee for approval to consult.
3. Formal consultation will take place (a period of 2-12 weeks depending on the nature of the changes made).
4. The original draft will be reconsidered taking into account any representations received.
5. A proposed policy will be prepared and brought before the Licensing Committee for consideration before it is placed before the Council for approval.

- 5.3 The current policy contains two saturation areas – a defined area of the town centre in respect of premises licensed to sell alcohol on the premises and premises providing late night refreshment and an off-licence policy covering Talbot, Claremont, Bloomfield and Victoria Wards. The Trading Standards and Licensing Manager is working with the Police Licensing Team to review these areas with a view to creating cumulative impact assessments for the new revised policy.
- 5.4 Saturation Policies in their current form were created by the Guidance issued by the Secretary of State under Section 182 of the Act. The Policing and Crime Act 2017, which inserted a new Section 5A into the Licensing Act 2003, has now put this concept on a statutory footing.
- 5.5 **Hackney Carriage and Private Hire Policy**  
Unlike the Statement of Licensing Policy, 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.
- 5.6 The current policy which is attached at Appendix 4a has been in existence since 2016 and it is suggested that it is an appropriate time to conduct a full review of this policy to ensure that it remains fit for purpose.
- 5.7 **Scrap Metal Policy**  
This policy which is attached at Appendix 4b was approved in February 2014. Although this is not a statutory policy and therefore no expiry dates on this policy, it is suggested that this policy should be reviewed as it has been in force for five years.
- 5.8 **Sex Establishment Policy**  
This policy which is attached at Appendix 4c was last reviewed in 2016. Whilst the policy only covers a small number of establishments the standard conditions for lap dancing premises would benefit from review to ensure that the conditions adequately cover emerging issues such as the taking of payment by card.
- 5.9 **Other Licensing Policies - Statement of Policy and Principles under the Gambling Act 2005**  
  
This policy was reviewed in 2018 and came into force in January 2019. This is a statutory policy, which will remain in force for three years.
- 5.10 Does the information submitted include any exempt information? No
- 5.11 **List of Appendices:**  
Appendix 4a: Hackney Carriage and Private Hire Policy

Appendix 4b: Scrap Metal Policy  
Appendix 4c: Sex Establishment Policy

**6.0 Legal considerations:**

6.1 The Council is under a duty to revise and publish the statement of licensing policy before it takes effect on 1 January 2020.

**7.0 Human Resources considerations:**

7.1 None.

**8.0 Equalities considerations:**

8.1 There are no equalities considerations

**9.0 Financial considerations:**

9.1 None at this stage. The costs of consulting with interested parties will be met from the licensing budget.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Ethical considerations:**

11.1 The Council has a value of being accountable and the revision of these policies will ensure the Council's policies are up to date and effective, following consultation with stakeholders, improving the accountability in how the Council delivers these services.

**12.0 Internal/ External Consultation undertaken:**

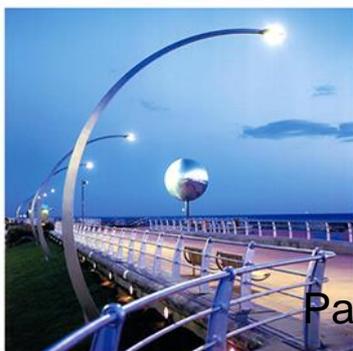
12.1 Full consultation will take place internally and externally when the draft policies are approved for consultation.

**13.0 Background papers:**

13.1 None.

# Hackney Carriage and Private Hire Licensing Policy 2016

Version 2 -valid from 12.02.18



# Hackney Carriage and Private Hire Licensing Policy 2016

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# Hackney Carriage and Private Hire Licensing Policy 2016

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## 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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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## 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

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**“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

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- 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 1<sup>st</sup> 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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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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"

# Hackney Carriage and Private Hire Licensing Policy 2016

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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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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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

# Hackney Carriage and Private Hire Licensing Policy 2016

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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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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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. Whilst criminal convictions will play a significant part in the licensing authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving ability, complaints and other police information etc.

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 persons.
- 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. When determining whether a person is fit and proper to hold a licence, those tasked with determining applications are effectively asking the following question:

*"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?"*

If the answer to the question is an unqualified yes, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision then further consideration should be given as to whether a licence should be granted to that person.

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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
- Standard of driving/driving ability
- 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
- Previous complaints about a driver including whether the complaints demonstrate a pattern of conduct which causes concern.

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.**

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- 1.6 In this policy the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

## 2. General policy

- 2.1 The standards and criteria set out in below are those that will normally be applied to applications and licences. The Council may depart from these criteria however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not normally be considered as exceptional circumstances.
- 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)].
- 2.4 Where an individual has had an application refused or a licence revoked the Public Protection Sub-Committee will normally refuse any subsequent application made within 12 months of the previous refusal or revocation unless there has been a substantial material change in the individual’s circumstances. Applications received more than 12 months after the refusal/revocation will be considered in accordance with this policy.

## 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

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Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

- 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.
- 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.

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## 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 for example
  - The previous conduct of an existing or former licence holder including any complaints received
  - Whether the applicant has intentionally misled the Council or lied as part of the application process
  - Information provided by other agencies/Council departments.

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.

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- 5.5 Applicants applying for the grant or a renewal of a drivers' licence and/or operator 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.

## **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.

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6.3 Unless there are exceptional circumstances a licence will not 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.

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.

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- 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 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 often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. All sexual and indecency offences will be considered as serious.
- 8.2 Unless there are exceptional circumstances, an application will 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 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
  - 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.

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## 10. Drugs

- 10.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.3 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply)-may be granted a licence once the following time periods have passed since the completion of any sentence, but consideration should be given to the nature and quantity of the drugs.
- |           |         |
|-----------|---------|
| Class B/C | 3 years |
| Class A   | 5 years |
- 10.4 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.
- 10.5 A licence will not 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 be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving

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- 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 /dangerous 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. More than one conviction for these offences raises serious doubts as to the applicant's fitness to drive the public and a licence will not be granted. In the case of an isolated offence, at least 5 years after the restoration of the driving licence following drink/drug driving conviction should elapse before an application will be granted. 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 granted. An application will normally be refused where the applicant has a conviction for driving/being in charge under the influence which does not result in a disqualification within two years of the date of application.
- 12.2 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.
- 12.3 A serious view is also taken of convictions for dangerous driving. A licence will not be granted where an applicant has a conviction for dangerous driving unless the applicant can demonstrate that at least 10 years has passed since the return of the driving licence and that since that date they have been free from conviction (including fixed penalty tickets).

## **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 the conviction.
- 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, Use of Mobile Phone whilst driving and other motoring offences not otherwise specifically referred to in this policy**

- 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.
- 14.3 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.
- 14.4 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 will be taken of convictions for driving whilst using a mobile phone.
- 14.5 As they carry members of the public there is an expectation that applicants/licensed drivers will have good driving records. The driver record will be considered carefully. Consideration will be given to the date, nature and the number of penalty points attached to the offence. Isolated driving offences will not in itself preclude an applicant from being licensed. Applicants whose record discloses 9 or more penalty points will be referred to the Public Protection Sub-Committee for consideration.

## **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

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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. The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information/complaints the credibility of both the witness/complainant and the licence holder will be taken into account. Consideration will be given to whether complaints received demonstrate a pattern of conduct which causes concern.
- 16.2 If an applicant/licence holder has been arrested or charged but not convicted of a serious offence which suggests that they could be a danger to the public consideration should be given to refusing the application. Such offences will include violent and/or sexual offences or allegations of driving a vehicle under the influence of alcohol or drugs.
- 16.3 Licence holders will be referred to the Public Protection Sub-Committee where it is clear that their behaviour is not influenced by verbal or written warnings administered by Licensing Enforcement Officers.
- 16.4 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. Cautions must be declared on the application form. Existing drivers should notify the Licensing Service within 7 days of a caution being accepted.

# Hackney Carriage and Private Hire Licensing Policy 2016

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## **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 - 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.

# Hackney Carriage and Private Hire Licensing Policy 2016

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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

# Hackney Carriage and Private Hire Licensing Policy 2016

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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

# Hackney Carriage and Private Hire Licensing Policy 2016

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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

# Hackney Carriage and Private Hire Licensing Policy 2016

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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

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## 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.

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## 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

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- 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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# Appendix 4b

## Licensing Policy Scrap Metal Dealers Act 2013

Blackpool Council



# Scrap Metal Dealers Act 2013

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# Scrap Metal Dealers Act 2013

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## 1 Introduction

1.1 This document states the Council's policy on the regulation of scrap metal dealers under the Scrap Metal Dealers Act 2013

1.2 The Scrap Metal Dealers Act 2013 ("the Act") replaces the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001 and creates a new regulatory regime for the scrap metal recycling and vehicle dismantling industries.

Every scrap metal dealer is required to have a licence. It is a criminal offence to act as a scrap metal dealer without a licence. Motor salvage operators also require a licence under the Act.

Councils may now only grant licences to applicants who are deemed suitable to be scrap metal dealers. This ability to regulate who is and who is not a scrap metal dealer is designed to improve operating standards and ensure only reputable dealers are licensed.

1.3. A person carries on business as a scrap metal dealer if:

(a) They wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought); or

(b) They carry on business as a motor salvage operator.

Ancillary sales - a person selling scrap metal merely as surplus materials or as a by-product of manufacturing articles is NOT regarded as a scrap metal dealer.

Motor salvage operation is defined in the Act as a business that consists wholly or mainly of:

(a) recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap

(b) Buying written-off vehicles, repairing and reselling them

(c) Buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b)

(d) Wholly or mainly in activities falling within paragraphs (b) and (c)

Scrap metal includes:

(a) Any old, waste or discarded metal or metallic material, and

(b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life

Scrap metal does not include:

(a) Gold

(b) Silver

(c) Any alloy of which 2% or more by weight is attributable to gold or silver

# Scrap Metal Dealers Act 2013

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## 2 Types of Licence

Anyone wishing to operate a business as a scrap metal dealer will require:

- I. A site licence; or
- II. A collector's licence.

The licence is valid for three years and permits the licence holder to operate within the boundaries of the issuing authority.

A person may hold more than one licence issued by different local authorities but may not hold more than one licence issued by any one authority.

### 2.1 Site Licence

The site licence authorises the holder to carry on business at the site(s) identified in the licence.

A site is defined as "any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there)"

### 2.2 Collector's Licence

The collector's licence authorises the holder to carry on business as a mobile collector within the authority's area.

If a collector wishes to operate in more than one local authority area, a separate licence will be required from each local authority.

### 2.3 Variation of licence

A licence may be varied from one type of licence to another. A variation cannot be used to transfer the licence to another person

## 3 Code of Practice

Blackpool Council has created a code of practice which can be found at Appendix A. The Code of Practice details the standards to which it expects that a responsible scrap metal dealer would operate to.

When considering applications for grant of a licence, the authority will take into account the applicant's willingness to act in accordance with the Code. When considering renewal, variation, or revocation of a licence, the authority will take into consideration the operator's adherence or otherwise to the code. Failure to adhere to the Code of Practice shall be considered particularly relevant to the suitability of the applicant or licence holder to hold a licence.

Without prejudice to the above, where an officer of the Council has reason to believe that a licence is not being operated in accordance with the Code of Practice but it is in that officer's opinion reasonable to deal with the cause of complaint by way of a written warning or further written warning then the matter may be dealt with by written warning to the licence holder.

Where a licence holder has received a second written warning from an officer of the Council then the licence holder shall be asked to meet with the appropriate officer of the Council to discuss the reasons for the issue of the previous written warnings and the officer shall warn the licence holder that the licence shall be subject to revocation should there be any repetition of the matter of complaint, on the basis

# Scrap Metal Dealers Act 2013

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that the licence holder is no longer considered to be suitable to hold a licence.

Where an officer of the Council has reason to believe that there are grounds for issuing a third written warning then the relevant licence holder shall be presumed by the Council to be an unsuitable person to hold a licence, subject to any representation from the licence holder that there may be exceptional circumstances to justify the circumstances of the failure to remedy the cause of complaint.

## 4 Conditions

If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions:

- (a) That the dealer must not receive scrap metal except between 9am and 5pm on any day;
- (b) That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.

## 5 Revocation of licence/Imposition of conditions

The authority may revoke a scrap metal licence if it is satisfied that the licence holder does not carry on the business of scrap metal dealing at any of the sites identified in the licence.

The authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.

The authority may revoke a licence if it is no longer satisfied that the licence holder is a suitable person to carry on business as a scrap metal dealer and the authority shall have particular regard to any “relevant offences” and “relevant enforcement action” and to those matters contained in paragraphs 6.3 of this policy.

If the licence holder or any site manager named in a licence is convicted of a relevant offence, the authority may vary the licence by adding one or both of the conditions set out in paragraph 4.

A revocation or variation comes into effect when no appeal is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.

If the authority considers that the licence should not continue in force without conditions, it may by notice provide:

- (a) That, until a revocation comes into effect, the licence is subject to one or both of the conditions set out in paragraph 4 or
- (b) That a variation under this paragraph comes into effect immediately.

All licences issued by the Council pursuant to the Act remain the physical property of

# Scrap Metal Dealers Act 2013

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the Council and must be returned to the Council as required on expiry or revocation of the relevant licence or copy licence. Action may be taken for the recovery of any licence not returned as required by the Council and any such action may be taken into account in relation to any future application for a licence.

All reference in this policy to copy licences shall be construed as original copies officially endorsed and issued by the Council as the licensing authority.

## 6 The Application Process

The following documents must be submitted for new applications:

- Application form
- Basic Disclosure Certificate from Disclosure Scotland – a certificate is required for each person named on the application form
- The appropriate fee.

Applications submitted without the required documents and fee will be returned.

The Council may request additional information before the application is processed. Failure to produce the information may result in the application being declined

### 6.1 Assessing the suitability of applicants

The Council “must not issue a licence unless it is satisfied that the applicant is a

suitable person to carry on a business as a scrap metal dealer”. In the case of a partnership this means assessing the suitability of each of the partners, while in the case of a company it means assessing the suitability of each director, company secretary or shadow director.

In assessing an applicant’s suitability we will consider any information we consider to be relevant in a particular case. Factors that will be considered include:

- (a) Whether the applicant or site manager has been convicted of any relevant offence;
- (b) Whether the applicant or site manager has been the subject of any relevant enforcement action;
- (c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- (d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- (e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);

A list of relevant offences and enforcement actions can be found at Appendix B

### 6.2 Basic Disclosure Certificates

As part of the application process, applicants must provide a basic disclosure certificate with the application form which

# Scrap Metal Dealers Act 2013

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must be less than three months old on the date it is received by us.

The basic disclosure certificate contains details of any unspent convictions recorded against you on the date the certificate is issued. It can be applied for online or by completing a form and paying a fee of £25.00. You can apply online at [www.disclosurescotland.com](http://www.disclosurescotland.com).

## 6.3 Relevance of Convictions and enforcement action

Having regard to the objectives of the Act Blackpool Council has determined that it will presume that the applicant is unsuitable to be issued with a licence where an applicant or any other person required to be named or identified in the application has been convicted of any of the following offences within the period of 3 years prior to the application:

- Theft
- Any offence relating to controlled drugs
- Fraud
- Money laundering
- Section 33 EPA (Fly tipping)
- Section 34 EPA (Duty of care)
- Breach of permitting regulations
- Control of Pollution Amendment Act 1989 (Waste Carriers)
- Violent Offences/Assaults / offences against the person

It is however open to the applicant to make representations that they should be given a licence despite the existence of such convictions

Insofar as any of the offences contained above are not prescribed as “relevant offences” for the purposes of the Act the authority may nevertheless require further information from the applicant to assist in determining the suitability of the applicant. Whilst the offences listed above may not be treated as a “relevant offence” for the purposes of the Act they shall be considered as a significant offence in relation to the suitability of the applicant to hold a licence.

Having regard to the objectives of the Act the authority has determined that it will presume that the applicant is unsuitable to be issued with a licence where an applicant or any other person required to be named or identified in the application has been the subject of any of the following forms of enforcement action within the period of five years prior to the application:

- Closure notice pursuant to the Act
- Closure order pursuant to the Act
- Action for recovery of possession of out of date or discontinued licences

It is however open to the applicant to make representations that they should be given a licence despite the existence of such enforcement action. The authority may not treat any such enforcement action as a “relevant enforcement action” for the purposes of the Act but shall nevertheless consider such an action as a significant issue in relation to the suitability of the applicant to hold a licence.

Having regard to the objectives of the Act the authority has determined that it will

# Scrap Metal Dealers Act 2013

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consider the following offences or enforcement actions relating to any person relevant to the licence as being of particular relevance to the suitability of the licence holder:

- Written warning relating to scrap metal licence compliance
- Waste regulations 2011 – enforcement, compliance and stop notices
- Permitting regulations notices
- Planning Breach of Condition / Enforcement Notices
- Statutory nuisance abatement notice
- Relevant intelligence from the authority and statutory partners
- Breach of statutory nuisance abatement notice

## 6.4 Guidance

The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State

## 6.5 Consultation

Before considering an application, the authority will consult with:

- (a) Lancashire Police;
- (b) The Environment Agency;
- (c) Blackpool Council Licensing Enforcement;
- (d) Blackpool Council Neighbourhoods team

## 6.6 Decision and Representations

If the Council proposes to refuse an application or to revoke/vary a licence a notice will be issued to the applicant/licence holder setting out what the authority proposes to do and the reasons for this. The notice shall also state that within the period specified (not less than 14 days) the applicant/licensee can either:

a) Make representations about the proposal, or

b) Inform the authority that the applicant/licence holder wishes to make representations.

Should this period expire and the applicant/licence holder has not made representations or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.

If, within the period specified, the applicant/licence holder informs the authority that they wish to make representations, the authority shall allow a reasonable period to make representations and may refuse the application or revoke or vary the licence if they fail to make representations within that period.

If the applicant/licence holder notifies the authority that they wish to make oral

# Scrap Metal Dealers Act 2013

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representations, the authority shall give them the opportunity of appearing before, and being heard by a person appointed by the authority.

If the application is refused, or the licence is revoked or varied, a notice will be given to the applicant/licence holder setting out the decision and the reasons for it.

## 6.7 Appeals

An applicant may appeal to a magistrates' court against the refusal of an application or a variation. The licensee may appeal to a magistrates' court against the inclusion in a licence of a condition under Section 3(8) of the Act or the revocation or variation of a licence.

An appeal must be made within 21 days beginning on the day the notice to refuse the application, to include the condition or to revoke or vary the licence under section 4 was given.

On appeal, the magistrates' court may confirm, vary or reverse the authority's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

The authority must comply with any directions given by the magistrates' court. Although the authority need not comply with such directions until the time for making an application under section 111 of

the Magistrates' Courts Act 1980 has passed or if such an application is made, until the application is finally determined or withdrawn.

## 7 Supply of Information by Authority

This section applies to information which has been supplied to a local authority under this Act and relates to a scrap metal licence or to an application for or relating to a licence.

The local authority must supply any such information to any of the following persons who request it for purposes relating to this Act:

- (a) Any other local authority;
- (b) The Environment Agency;
- (c) An officer of a police force.

This section does not limit any other power the authority has to supply that information.

## 8. Register of Licences

The Environment Agency maintains a register of scrap metal licences issued by authorities in England and each entry must record:

- (a) The name of the authority which issued the licence
- (b) The name of the licensee
- (c) Any trading name of the licensee
- (d) The address of the site identified in the licence

# Scrap Metal Dealers Act 2013

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- (e) The type of licence, and
- (f) The date on which the licence is due to expire

The registers are to open for inspection to the public

## 9. Notification Requirements

An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.

A licensee who is not carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority within 28 days.

If a licence is issued to a business under a trading name the licensee must notify the authority which issued the licence of any change to that name within 28 days.

The authority must notify the Environment Agency, of –

- (a) Any notification given to the authority by the licence holder
- (b) Any variation of a licence
- (c) Any revocation by the authority of a licence

Any notification must be given within 28 days of the notification, variation or revocation in question.

# Scrap Metal Dealers Act 2013

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## Appendix A – Code of Practice

All scrap metal dealers and merchants signing up to this Code agree to abide by the following requirements:

- All reasonable steps will be taken to ensure stolen metals are not bought.
- No metals shall be stored or processed in a street or other public place.
- Metals will only be accepted from those whose ID has been/can be verified as required by the Scrap Metal Dealers Act 2013
- No payment shall be made to any person other than the person as identified on the scrap metal dealer's licence displayed on the vehicle where metals are produced by a licensed scrap metal collector.
- Staff must be trained in administrative processes and all paperwork should be relevant and kept up-to-date.
- Dealers will co-operate with police and local authorities by allowing access and inspection when requested.
- No blackened copper wire that has obviously had its insulation removed should be bought.
- Metals will not be traded on behalf of a 3<sup>rd</sup> party
- Metals will not be accepted from customers on foot or on bicycle.
- Metal will not be accepted from customers arriving in taxis or private hire vehicles.
- Dealers will display prominent signage at their premises stating that "We report suspected metal thieves to the Police".
- In order to comply with the Act's requirements concerning record keeping and identification no metals shall be received without at a minimum taking and retaining a digital photograph(s) of the scrap metal load as presented, cross-referenced with the appropriate waste transfer note.
- Dealers shall have available and actively use UV torches for detecting forensically marked metals.
- Suspicious persons will be reported to the local police force for the area concerned.
- Suspicious transactions will be reported to the local police force for the area concerned.
- Dealers will work towards adopting into an electronic 'alert' notification scheme for early notification of stolen metals.
- All scrap metal dealers agree to work towards installing automatic number plate recognition cameras or police approved CCTV systems at site entrances and/or weighbridges. (Where such systems have been installed posters advertising the fact will clearly be displayed on the premises).
- Dealers should not enter a gated alley without permission from the local authority or residents affected by the gating order.

## Scrap Metal Dealers Act 2013

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- Dealers must retain copies of their waste transfer notes as part of their Duty of care for three years.
- All licences shall be returned immediately to the licensing authority on expiry or other reasonable demand.

# Scrap Metal Dealers Act 2013

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## Appendix B – Relevant Offences

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 specify the following as relevant offences/enforcement action.

- An offence under section 1,5 or 7 of the Control of Pollution (Amendments) Act 1980
- An offence under section 170 or 170B of the Customs and Excise Management Act 1979 where the specific offence concerned relates to scrap metal
- An offence under section 110 Environment Act 1995
- An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990
- An offence under section 9 of the Food and Environmental Protection Act 1985
- An offence under section 1 Fraud Act 2006 where the specific offence concerned relates to scrap metal, or is an environment-related offence
- An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- An offence under sections 327, 328, or 330-332 Proceeds of Crime Act 2002
- Any offence under the Scrap Metal Dealers Act 1964
- Any offence under the Scrap Metal Dealers Act 2013
- An offence under sections 1, 8,9,10,11,17,18,22 or 25 of the Theft Act 1968 where the specific offence concerned relates to scrap metal, or is an environment-related offence
- Any offence under Part 1 of the Vehicles (Crime) Act 2001
- An offence under sections 85, 202 or 206 of the Water Resources Act 1991
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- Any offence under the Hazardous Waste (England and Wales) Regulations 2005

# Scrap Metal Dealers Act 2013

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- Any offence under the Hazardous Waste (Wales) Regulations 2005
- An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- Any offence under the Transfrontier Shipment of Waste Regulations 1994
- Any offence under the Transfrontier Shipment of Waste Regulations 2007
- Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- An offence under regulation 42 of the Waste (England and Wales) Regulations 2011

In addition a relevant offence includes an offence of:

- Attempting or conspiring to commit any offence listed above
- Inciting or aiding, abetting, counselling or procuring the commission of any offence listed above, and
- An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) committed in relation to any offence listed above.

## Relevant enforcement action

A person is the subject of relevant enforcement action if:

- The person has been charged with an offence specified above and criminal proceedings have not yet concluded; or
- An environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.

# Appendix 4c

## Sex Establishment Policy 2016

Blackpool Council



# Sex Establishment Policy 2016

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# Sex Establishment Policy 2016

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## 1. Introduction

This policy statement sets out Blackpool Council's approach to the regulation of sex establishments in the Borough.

Nothing in this policy undermines the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act

The policy covers the operation of the following:

### 1.1 Sex Shops

A sex shop is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

- a) Sex articles; or
- b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which is associated with sexual activity.

### 1.2 Sex Cinemas

A sex cinema is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –
  - i) Sexual activity; or
  - ii) Acts of force or restraint which are associated with sexual activity;
- or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling house to which the public is not admitted.

# Sex Establishment Policy 2016

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## 1.3 Sexual Entertainment Venues

A sexual entertainment venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means –

- a) Any live performance; or
- b) Any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

The following premises are not sexual entertainment venues:

- a) Sex shops and sex cinemas
- b) Premises which provide relevant entertainment on an infrequent basis i.e. premises where –
  - i) No relevant entertainment has been provided on more than 11 occasions within a 12month period;
  - ii) No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - iii) No such occasion has lasted longer than 24 hours
- c) Other premises or types of performance or displays exempted by an order made by the Secretary of State

## 1.4 Waivers

Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit.

The Council does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence in respect of sexual entertainment venues particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

# Sex Establishment Policy 2016

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The Council may at any time give a person who would require a licence but for a waiver notice that the waiver it to terminate on a date not less than 28days from the date the notice is given.

Whilst each application will be considered on its own merits by the Public Protection Sub-Committee in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis the Council takes the view that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be covered in exceptional circumstances.

## 2. Making an Application

Applications for the grant, renewal, variation or transfer of a licence must be made on the prescribed form which is available upon request from the Licensing Service or at [www.blackpool.gov.uk](http://www.blackpool.gov.uk). Applications can be submitted on paper or electronically.

New applications or variations which involve a change of layout must be accompanied by a plan of the premises to which the application relates. The plan must show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) the location of escape routes from the premises;
- d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) The location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and

# Sex Establishment Policy 2016

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j) The location of a kitchen, if any, on the premises

## 2.1 Advertising of applications

Applications for must be advertised on/near the premises to which the application relates and in a newspaper circulating in the Borough.

### On the premises

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day the application was given to the Council. The notice must be in such a position that it can be conveniently read by members of the public.

The notice must be on paper sized A4 or larger containing the information detailed below printed legibly in black ink.

### In the newspaper

Applicants must give public notice of the application by publishing an advertisement in a local newspaper that circulates in the Blackpool Borough no later than 7 days after the date the application is made.

The notice must state:

- a) Details of the application and activities proposed to be carried on,
- b) The full name of the applicant,
- c) The postal address of the premises, or where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- d) The date, being 28 days after the day on which the application was given to the Council, by which representations may be made to the Council in writing.

A specimen notice is available upon request from the Licensing Service or on our website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

# Sex Establishment Policy 2016

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## 2.2 Objections

Objections must be made in writing (email is acceptable) within the period of 28 days from the date on which the application is given to the Council and should include the following:

- The name and address of the person or organisation making the objection
- The premises to which the objection relates
- An indication whether the objector consents to their name and address being disclosed to the applicant.

No weight will be given to any objection that does not contain the name and address of the person making it.

An objection must state the grounds on which the objection is made. Persons making an objection are encouraged to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this policy.

No weight will be given by the Council to objections made on moral grounds or those that are in the opinion of the Council, frivolous or vexatious.

Where an objection is received, the applicant will be notified of the general grounds of the objection. The name and address of the objector will not be disclosed to the applicant unless the objector has consented to this

## 3 Determination of applications

When considering applications, the Council will have regard to:

- (a) the Local Government (Miscellaneous Provisions) Act 1982
- (b) any supporting regulations;
- (c) this Statement of Licensing Policy.

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This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

All applications for new sex establishments and variations of existing licences will be determined by the Public Protection Sub-Committee irrespective of whether objections have been received. The Sub-Committee will also consider renewal applications where the Lancashire Constabulary have made comments or objections have been received. At the hearing the applicant and any objectors **who made objections within the statutory period** will be given the opportunity to address the Sub-Committee.

Uncontested applications for renewal will be determined by the Head of Licensing.

When determining an application the Council will take account of any comments made by the Police and any objections made. Each application will be considered on its own merits.

Where a hearing has taken place before the Public Protection Sub-Committee, unless otherwise advised, its decision will be given at the end of the hearing and ~~all parties~~ **the applicant and the objectors** will receive written confirmation of the decision together with reasons within seven days

## 3.1 Refusal of Licences

The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory and discretionary grounds for refusal of a licence.

### 3.1.1 Mandatory Grounds

A licence **must not** be granted to:

- a) A person under the age of 18;
- b) A person who has had a similar licence revoked within the previous 12 months;
- c) A person, other than a body corporate who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made;

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- d) To a body corporate who is not incorporated in the United Kingdom;
- e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

## 3.1.2 Discretionary Grounds

A licence may be refused on the following grounds:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason [see paragraph 3.2](#);
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority considers appropriate for that locality [see paragraph 3.3](#);
- d) That the grant or renewal of the licence would be inappropriate having regard
  - o To the character of the relevant locality [see paragraph 3.4](#); or
  - o To the use to which any premises in the vicinity are put; or
  - o To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## 3.2 **Suitability of applicants.**

The Council will need to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:

- a) that the operator is honest

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- b) That the operator is qualified by experience **and/or knowledge** to run the type of sex establishment

That the operator understands the general conditions and will comply with them

- c) That the operator is proposing a management structure which will deliver compliance with operating conditions, for example through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and **in the case of a sexual entertainment venue**, policies for the welfare of performers
- d) **If the application is for a sexual entertainment venue**, that the operator can be relied upon to act in the best interests of the performers e.g. in how they are remunerated, the facilities provided, how they are protected and how and by whom their physical and psychological welfare is monitored
- e) That the applicant can be relied upon to protect the public e.g. transparent charging and freedom from solicitation
- f) That the operator can show **either** a track record of management of compliant premises, or that he/she **has an understanding of the rules governing the type of licence applied for** ~~will employ individuals who have such a track record.~~

All applications will be considered but they are unlikely to be granted if any of the following apply:

- a) The applicant has a criminal record. Offences that will be considered particularly relevant include convictions for:
- Dishonesty
  - Violence
  - Sexual offences
  - Drugs
  - People trafficking
- b) The applicant has previously been involved in running an unlicensed sex establishment;

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- c) If the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves

### **3.3 Number of Sex Establishments**

The Local Authority may refuse an application if it is satisfied that the number of sex establishments of a particular kind in the relevant locality at the time the application is made, is equal to or exceeds the number which the authority considers is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

Blackpool Council has determined that in the Bloomfield, Claremont, Foxhall and Talbot Wards:

- The number of sex shops shall be two.
- The number of sex cinemas shall be nil.
- The number of sexual entertainment venues shall be 4.

In all other wards the number shall be nil for all categories of sex establishments

## **3.4 Location of licensed premises**

In considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential areas,
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments and leisure facilities such as parks, libraries or swimming pools.
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples.
- Places and/or buildings of historical/cultural interest and tourist attractions.
- The Promenade

## **3.5 Conditions**

The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.

The conditions that may be attached to a sex shop licence are shown in Appendix A and conditions that may be attached to a sexual entertainment venue are shown in Appendix B.

## **3.6 Duration of licence**

Licences will be granted for one year unless a shorter period is specifically stated.

## **3.7 Revocation of licences**

The Council may revoke a licence on any of the grounds contained within the Act which include (please note this list is not exhaustive):

- the licence holder no longer being fit and proper
- Poor operation of the premises

The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Public Protection Sub Committee.

## **3.8 Appeals**

There is a right of appeal against the refusal to grant, renew, vary or transfer a licence, the imposition of conditions on a licence and the revocation of a licence.

Appeals must be made to the Magistrates' Court within 21 days starting from the date the aggrieved party is notified of the decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- That it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- The use of the premises in the vicinity or the layout, character or condition of the premises.

## **4. Complaints and Enforcement**

### **4.1 Complaints**

Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

### **4.2 Enforcement**

The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Quality Standards Enforcement Concordat. The Council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the Council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;

- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

However, proportionate but firm action will be taken against those who commit offences or consistently break the law or breach the conditions of the licence.

The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: [www.blackpoolcouncil.gov.uk](http://www.blackpoolcouncil.gov.uk)

## 5. Cancellation of licences

The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

## Appendix A

### Standard conditions for sex shops

#### Exhibition of licence

1. The licence or a clear copy shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism or defacement.

#### Times of opening

2. The premises shall not be open to the public before 9.00 am and shall not be kept open after 11.00 pm on any one day.
3. The premises shall not open on Christmas Day.

#### Conduct of premises

4. The licensee shall maintain good order in the premises
5. No person under the age of 18 shall be admitted to the premises or be employed in the business of the sex establishment
6. no poster, photograph, sketch or painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside, or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.
7. The whole of the exterior of the premises shall be of a material or covered by a material which will render the interior of the premises invisible to passers-by.

#### Change of use

8. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent has been obtained thereto
9. No change of use of any portion of the premises from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council
10. No part of the premises shall be used as a sex encounter establishment or be used in conjunction with any premises so used (whether licensed or not) without the consent of the Council

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## Goods available

11. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
12. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed prominently within the sex establishment
13. No film or video work shall without the consent of the Council be exhibited, sold or supplied on or from the premises unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licence holder by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video work so certified.

## Appendix B

### Standard conditions for sexual entertainment venues

#### External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

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## Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed

## Performances of sexual entertainment

14. No person under the age of 18 shall be on licensed premises.
15. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances
16. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
17. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
18. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
19. Customers must remain seated for the duration of the performance.
20. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
21. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.

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22. At all times during a performance, performers shall have unrestricted access to a dressing room.
23. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
24. Exit routes for performers must be kept clear.

## Protection of performers

25. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
  - The licence conditions relating to performances of sexual entertainment.
  - House rules.
  - Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
  - Drugs monitoring.
  - No contact with customers outside the club.
  - The arrangements for breaks and smoking facilities provided.
  - Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.
26. Performers shall be provided with secure and private changing facilities
27. Means to secure personal property shall be provided for the performers
28. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.
29. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work
30. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

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## Management

31. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request
32. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.
33. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
34. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
35. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
36. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
37. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
38. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
39. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
40. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

## Exhibition of the licence

41. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

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## CCTV

42. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

## Maintenance and Repair

43. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
44. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14days of issue. The appeal will be determined by the Public Protection Sub Committee.
45. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.
46. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

## General

47. No part of the premises shall be let



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<b>Report to:</b>	<b>LICENSING COMMITTEE</b>
<b>Relevant Officer:</b>	Tim Coglan, Service Manager Public Protection
<b>Date of Meeting</b>	3 June 2019

## LICENSING UPDATE

### 1.0 Purpose of the report:

1.1 To update the Committee on the details of licences applied for, dealt with and appealed in the period 1 January 2019 to 17 May 2019.

### 2.0 Recommendation(s):

2.1 To note the update on licences considered, dealt with and appealed.

### 3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to receive reports on the work of the Licensing Service.

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 During the period 1 January 2019 to 17 May 2019, the Licensing Service received 15 applications for new Premises Licences. Of these applications 10 were granted administratively as no objections were received, one was rejected as the premises was already licensed and a transfer could be submitted, and 4 are still in the representation period.

5.2 The following were granted administratively:  
Beach Hotel & Apartments – 453-459 Promenade  
South Villas Hotel – 16 Wellington Road  
Blackpool Fish Factory – 67-73 Central Promenade  
Hollingdales Hotel – 37-39 Tyldesley Road  
Moody Spirit Company – 99 Westmoreland Avenue (off sales delivery only)  
Hampton Road Social Club – Hampton Road  
Fossil Tree Hotel – 100 Queens Promenade  
Blackpool Cricket Club – Barlow Crescent  
Hotel 242 – 242 Queens Promenade  
Graydon Hotel – 33-37 Banks Street

5.3 The following applications are still within the representation period:  
52 The Gazette – 150 Lytham Road - last date for representations 28 May 2019  
Stanley Road Working Men's Club – Stanley Road - last date for representations 28 May 2019  
Tamzin's Tea Room – 17-19 Church Street – last date for representations 28 May 2019  
Leatham Park Hotel – 21 Tyldesley Road – last date for representations 4 June 2019

5.4 The Licensing Panel has reviewed the following licence:  
Cornhill Hotel, 377-379 Promenade – hearing 28.01.19 – licence revoked

5.5 There are no review applications currently pending

5.6 During the same period, the Licensing Service also received 3 variation applications, 95 vary Designated Premises Supervisor applications and 57 transfers of Premises Licence.

5.7 There have been no appeals before the Magistrates' Court

5.8 Does the information submitted include any exempt information? No

5.9 **List of Appendices:**

None.

**6.0 Legal considerations:**

6.1 None.

**7.0 Human Resources considerations:**

7.1 None.

**8.0 Equalities considerations:**

8.1 None.

**9.0 Financial considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 None.

**13.0 Background papers:**

13.1 None.

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