

Blackpool Council

16 October 2015

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

The above members are requested to attend the:

LICENSING COMMITTEE

Tuesday, 27 October 2015 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; 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 15TH SEPTEMBER 2015 (Pages 1 - 4)

To agree the minutes of the last meeting held on 15th September 2015 as a true and correct record.

3 REVISED STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005 (Pages 5 - 30)

To consider the revised Statement of Licensing Policy under the Gambling Act 2005

4 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 31 - 84)

To consider the Hackney Carriage and Private Hire Licensing Policy

Venue information:

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

Other information:

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

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

Present:

Councillor Hutton (in the Chair)

Councillors

| | | |
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| Brown | Maycock | Rowson |
| D Coleman | Mitchell | Ryan |
| Hunter | Roberts | Scott |

In Attendance:

Lennox Beattie, Executive and Regulatory Manager
Sharon Davies, Head of Licensing Service
Mark Towers, Director of Governance and Regulatory Services

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 3RD JUNE 2015

Resolved:

That the minutes of the meeting held on the 3rd June 2015 be approved and signed by the Chairman as a correct record.

3 REVISED STATEMENT OF POLICY- GAMBLING ACT 2005

The Committee considered a report on the review of the Statement of Policy under the Gambling Act 2005.

Mrs Davies, Head of Licensing Service, provided a brief update to the Committee. She explained that the Council's current Statement of Policy under the Gambling Act would expire on the 31st January 2016 and the Council needed to have a new policy approved and published on its website at least four weeks in advance of the current one expiring. She further outlined that the Gambling Commission was producing new guidance on policies on Gambling and it was intended that once this was produced there would be a full revision of the Statement of Policy. This would take place during 2016 but it was necessary to approve an updated version of the current policy as an interim measure.

Resolved:

1. To agree the procedure for reviewing the Statement of Policy and Principles under the Gambling Act 2005, including that a full review of the policy will take place once amended guidance is available.
2. To agree a period of consultation on the updated policy.

4 NIGHT TIME ECONOMY WORKING GROUP FINAL REPORT

The Committee considered the final report of the Night Time Economy Working Group. The group had been created following the hearing of the Licensing Committee into the Early Morning Restriction Order. The group had outlined 7 recommendations follows:

Recommendation 1

The Licensing Committee considers amendments to its Statement of Licensing Policy to establish Queen Street and the surrounding area as the late night entertainment area and St John's, Church Street and Victoria Street as the area where applications for café/restaurant and other family orientated applications are encouraged.

Recommendation 2

The Licensing Committee endorses the creation of an accreditation scheme for licensed premises in Blackpool which will reward good operators and encourage improvement in others. Such a scheme will be bespoke for the needs of Blackpool based on the compliance manual that has been recently updated.

Recommendation 3

The Licensing Committee considers the need for the town centre saturation area following the creation of the zones.

Recommendation 4

The Licensing Committee considers giving formal support to the creation of a Public Space Protection Order in the town centre based on the results of the perception survey.

Recommendation 5

The Licensing Committee considers in more detail whether a late night levy is a suitable option for Blackpool.

Recommendation 6

Funding options should be explored to permit the manning of the CCTV system to be re-instated.

Recommendation 7

Options for providing a uniformed presence in the town centre should be explored.

The final recommendation of the group was that The Night Time Economy Working Group should continue to oversee and co-ordinate town centre related projects and the Committee noted that this would form a key role in coordinating the implementation of the other recommendations.

Mr Towers, Director of Governance and Regulatory Manager, emphasised that in terms of recommendations 3 and 5 that these would involve further research and presentations to future Licensing Committee meetings.

MINUTES OF LICENSING COMMITTEE MEETING - TUESDAY, 15 SEPTEMBER 2015

Resolved:

To agree the recommendations outlined in the final report of the Night Time Economy Working Group.

5 LICENSING SERVICE UPDATE

The Committee received an update on the work of the Licensing Service in the period 21st May 2015 to 21st August 2015 from Mrs S Davies, Head of Licensing Service.

Mrs Davies outlined the applications granted administratively as no objections were received and those considered by the Licensing Panel. She also outlined the results of recent appeals considered at the Magistrates' Court and those appeals which had been submitted but were pending a hearing at court.

Resolved:

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

Chairman

(The meeting ended at 6.20 pm)

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

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| Report to: | Licensing Committee |
| Relevant Officer: | Sharon Davies, Head of Licensing Service |
| Date of Meeting | 27 th October 2015 |

REVIEW OF STATEMENT OF POLICY- GAMBLING ACT 2005

1.0 Purpose of the report:

- 1.1 To determine the process for reviewing the Council's Statement of Licensing Policy under the Gambling Act 2005

2.0 Recommendation(s):

- 2.1 To consider the representations received during the period of consultation
- 2.2 To approve the content of the proposed policy and recommend it for approval to the Executive for recommendation to Council.

3.0 Reasons for recommendation(s):

- 3.1 The Council is required to have a Statement of Licensing Policy. This policy must be reviewed every three years
- 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 Priorities are:

Expand and promote our tourism, arts, heritage and cultural offer
Create safer communities and reduce crime and anti-social behaviour

5.0 Background Information

5.1 The Gambling Act 2005 requires the Council as Licensing Authority to prepare and publish every three years a Statement of Policy which outlines the principles it will following in exercising its functions under the Act. The current policy came into effect on 31 January 2013 and is therefore due for review. The revised policy must be published on the Council's website four weeks before it comes into force no later than 3rd January 2016.

5.2 At its meeting on 15th September 2015, the Licensing Committee approved a period of consultation on the statement of policy to take effect on 31st January 2016. Comments on the draft were invited until 23rd October 2015. At the time of writing no comments had been received. If any representations are received before the deadline and after the publication of the agenda these will be reported to the meeting.

5.3 The Committee will recall that a full review of the policy statement had been delayed pending receipt of updated guidance from the Gambling Commission. This guidance has now been received therefore a full review of the policy will take place. A fully revised draft will be brought to the Licensing Committee towards the end of 2015 with a view to conducting a 12 week public consultation

5.4 The fully revised policy will include the development of a local area profile. The benefits of incorporating such a profile into the revised statement of policy are:

- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

5.5 Does the information submitted include any exempt information?

No

5.6 List of Appendices:

Appendix 3a: Draft Policy for consultation

6.0 Legal considerations:

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

7.0 Human Resources considerations:

7.1 There are no Human Resources considerations.

8.0 Equalities considerations:

8.1 There are no equalities considerations.

9.0 Financial considerations:

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

10.0 Risk management considerations:

10.1 To delay the review process without approving a policy to have effect from 31st January 2016 would leave the Council at risk of not having a valid policy framework in the event of an application being made under the Gambling Act 2005.

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation has been undertaken as required by the Gambling Act 2005

13.0 Background papers:

13.1 None

STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005

2016 - 2019

Blackpool Council



Statement of Policy and Principles under the Gambling Act 2005

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Statement of Policy and Principles under the Gambling Act 2005

General

This Statement of Licensing Policy covers the administrative area of Blackpool (see Appendix 1 for map) and sets out how Blackpool Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on 31st January 2016 and will remain in force for three years. The policy will be subject to periodic reviews and further consultation.

In preparing this policy, the licensing authority has consulted with the following:

- The Chief Officer of Police for the Licensing Authority's area;
- One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the licensing authority to represent the interest of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.

A full list of persons consulted can be found at Appendix 2.

Fundamental Principles

The licensing authority will promote the three licensing objectives set out in the Gambling Act 2005.

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

Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue provisional statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue club machine permits to commercial clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises for the use of up to two gaming machines;
- Issue licensed premises gaming machine permits for premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue permits for prize gaming;
- Receive temporary use notices; and
- Receive occasional use notices

Statement of Policy and Principles under the Gambling Act 2005

Responsible Authorities

Responsible authorities use their particular area of expertise to help promote the licensing objectives. They are able to make representations about applications and apply for review of a licence. Responsible authorities will also offer advice and guidance to applicants.

A full list of responsible authorities can be found in our supplementary publication “premises application guide”. This is available on the Council’s website www.blackpool.gov.uk.

The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) to designate in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the regulations the Council designates the Local Safeguarding Children Board for this purpose.

Interested Parties

The Gambling Act defines an interested party as a person who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfy paragraphs (a) or (b)

The licensing authority, in determining whether a person is an interested party, will consider each case on its merits. The authority will not apply a rigid rule to its decision making. In reaching its decision, the licensing authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

“Business interests” will be given its widest possible meaning and may include partnerships, charities, faith groups and medical practices.

Interested parties may also include trade associations, trade unions, residents’ associations and tenants’ associations where they have a member who can be classed as an interested party. Democratically elected councillors and MPs may also be interested parties.

Children and Vulnerable People

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

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

The licensing authority will work with operators and other public agencies to encourage a commitment to social responsibility including responsible design, delivery, promotion and use of

Statement of Policy and Principles under the Gambling Act 2005

product. The end goal will be to reduce the incidence of high-risk and problem gambling.

The licensing authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the authority's objective to aim to permit the use of premises for gambling. The Gambling Commission are obliged under section 176 of the Act to issue a Code of Practice on access to casino premises by children and young persons. Adherence to the code will be a condition on the premises licence.

Casino operators in particular would be expected to show that all staff coming into contact with the public have received suitable training to identify and deal with those people who could be classed as vulnerable.

The licensing authority will require the holder of a casino premises licence to take steps to ensure that no child or young person enters premises or part of premises where an offence under section 47 of the Gambling Act would be committed.

Track operators will not necessarily have an operating licence issued by the Gambling Commission. The licensing authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

Exchange of Information

The licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 shall not be contravened. The licensing authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State. In the event of protocols being established as regards

information exchange with other bodies, they will be made available on the Council website.

Enforcement and Inspections

Gambling in the town will be regulated by the Gambling Commission and through its powers as licensing authority by the Council. The licensing authority is committed to facilitating the provision of a wide range of high quality gaming venues operated in a socially responsible manner.

Where it is considered that operational standards in existing venues are lacking, the premises will be encouraged to raise their standards. If standards are not raised to appropriate levels, the authority will consider what action to take which may involve using its powers, including revoking a licence where appropriate to do so.

The main enforcement and compliance role for the licensing authority will be in relation to the premises licences and other permissions that it issues. The Gambling Commission will be the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

Premises will be subject to appropriate risk-based enforcement on a multi-agency basis. The authority's power to review premises not complying with conditions, or where complaints have been received will be used whenever necessary.

In carrying out its enforcement and prosecution powers, the licensing authority will seek an appropriate response in accordance with the following criteria:

- Proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised;

Statement of Policy and Principles under the Gambling Act 2005

- Accountable – regulators must be able to justify decision, and be subject to public scrutiny;
- Consistent – rules and standards must be joined up and implemented fairly;
- Transparent – regulators should be open, and keep regulations simple and user friendly; and
- Target – regulation should be focused on the problem, and minimise side effects.

The licensing authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should compliance queries or issues arise.

Statement of Policy and Principles under the Gambling Act 2005

PREMISES LICENCES

Introduction

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

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

Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence. Each application will be considered on its merits.

The licensing authority will, as far as possible, avoid imposing conditions on premises licence which duplicate the requirements of other regulatory regimes.

When considering applications for premises licences, the licensing authority will take a number of factors into consideration. These include:

Location

The licensing authority will consider the proximity of the proposed premises to schools, vulnerable adult centres, or residential areas where there is likely to be a high concentration of families. It is obviously open to the applicant to show that premises of the type applied for have historically been situated in these areas without problems occurring. The licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the

licensing objectives. Such evidence may be used to inform the decision the authority makes about whether to grant the licence, grant the licence with conditions or to refuse the application.

Design

For example where access by children is prohibited to all or part of the premises, the design should be capable of demonstrating how access by children will be prevented.

Social Responsibility

The protection of children and young persons from being harmed or exploited by gambling is of significant concern. The licensing authority would expect to see the list of measures that would be taken to protect children as well as the assistance that would be made available to those with gambling problems.

Licensing Objectives

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

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

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Guidance from the Gambling Commission does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an

Statement of Policy and Principles under the Gambling Act 2005

area has high levels of organised crime, this authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

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

The Gambling Commission has stated that it would not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as personal and operating licences will address this.

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

This means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at, or are, particularly attractive to children). The licensing authority will consider whether specific measures are required at particular premises. Measures may include supervision of entrances or segregation of areas.

Conditions

Conditions will only be attached to licences if they are necessary and proportionate.

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

Decisions on individual conditions will be made on a case-by-case basis. There is an

expectation that the applicant will offer their own suggestions as to the way in which the licensing objectives can effectively be met. Conditions imposed should not duplicate matters already subject of regulation by the Gambling Commission.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult specific premises in order to pursue the licensing objectives.

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

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

Statement of Policy and Principles under the Gambling Act 2005

Door Supervisors

In some cases there may be a need for door supervisors in terms of protection of children or preventing the premises becoming a source of crime. It cannot, however, be a condition that door supervisors at casinos or bingo premises must be licensed by the Security Industry Authority. Where a requirement for door supervisors is identified in casinos or bingo halls, the licensing authority will determine specific requirements for door supervisors working at these venues on a case-by-case basis.

For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA. It will not automatically be assumed that they need to be.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

Multiple Licences

The Licensing Authority in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, will take into account that the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to

participate in, have accidental access to, or closely observe gambling; and

Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Casinos

Blackpool has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences. Casino games offer the chance for multiple participants to take part in a game competing against the house or back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

The Gambling Commission has provided guidance for local Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The licensing authority will take this into consideration when determining applications in respect of converted casino licences.

Bingo Premises

It is important that if children are allowed into premises licensed for bingo they do not participate in gambling, other than on category D machines. Where category C or above machines are available on the premises to which children are admitted the licensing authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

Statement of Policy and Principles under the Gambling Act 2005

- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Betting Premises

Betting machines

The licensing authority will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of the machines by vulnerable people.

While the authority has discretion as to the number/nature and circumstances of use of betting machines, there is no evidence that such matters give rise to regulatory concerns. This authority will only consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

Adult Gaming Centre

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

Licensed Family Entertainment Centre

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

Statement of Policy and Principles under the Gambling Act 2005

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- Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / help-line numbers for organisations such as GamCare.
 - Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Tracks

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

All tracks will require a primary "general betting premises licence" that the track operator will hold. Track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling

operators offering betting at the track will each hold an operating licence.

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

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

Travelling Fairs

It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, s per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land crossing our boundaries is monitored so that the statutory limits are not exceeded.

Statement of Policy and Principles under the Gambling Act 2005

Provisional Statements

A provisional statement application is a process which allows a developer to discover whether a building which he expects to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence, but it does give some form of guarantee that a licence would be granted.

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

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

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

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

Reviews

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

1. Whether the request for the review is relevant to the matters listed below: -

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

2. Consideration as to whether the request is frivolous, vexatious

3. Whether the review will certainly not cause this authority to wish to alter/revoke/suspend the licence, or

4. Whether it is substantially the same as the previous representations or requests for review.

The licensing authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

Statement of Policy and Principles under the Gambling Act 2005

STATEMENT OF PRINCIPLES ON PERMITS

Unlicensed Family Entertainment Centre Gaming Machine Permit

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The licensing authority will also expect as per the Gambling Commission guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

Licensed Premises Gaming Machine Permit

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

- Provision of the machines is not reasonably consistent with the licensing objectives; Gaming has taken place on the premises that breaches a condition of section 282;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” Such matters will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to show that there will be sufficient measures to ensure that under 18-year-olds do not have access to adult only gaming machines. Measures may include the adult machines being placed in sight of the bar,

Statement of Policy and Principles under the Gambling Act 2005

or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/help-line numbers for organisations such as Gamcare.

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

Under the Gaming Act 1968, the granting of an application for four gaming machines (two in relation to guest houses) is delegated to Officers. In an attempt to reduce administration and bureaucracy, this practice will continue.

It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Prize Gaming Permit

The Licensing Authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an

application, the Licensing Authority will give significant weight to child protection issues, and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

- The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Club Gaming and Club Machine Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Gambling Commission Guidance states: "Members clubs must have at least 25

Statement of Policy and Principles under the Gambling Act 2005

members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes "licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years; or
- The Commission or the police have lodged an objection.

There is also a 'fast-track' procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

and "The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

Occasional Use Notices

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

Statement of Policy and Principles under the Gambling Act 2005

will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

To ensure that this policy is implemented, we will set out and monitor the following key indicators of the effects of the implementation of the policies:

- Prevalence of problem gambling in Blackpool and gambling behaviours;
- The percentage of residents who are satisfied with the licensing service and believe that gambling is effectively regulated;
- Crime levels and disorder associated with gambling, particularly acquisitive crime;
- Revenues accruing to the Council from casino operators and how this is used to benefit the local community;
- Any harm or exploitation arising to children or vulnerable adults clearly linked to gambling.

Delegation

It is normal practice in routine, uncontested decisions for the Council to authorise a senior officer to deal with the matter on their behalf, in this way, the Council can discharge its functions in an efficient manner and avoid delay to business development and entrepreneurial activity. The administrative systems, the licence service and procedures will be subject to programmed review and powers will, wherever possible be delegated to officers and licensing panels.

The table on the following page sets out the delegated functions.

Human Rights Act

In formulating this policy we have taken into account the Human Rights Act and in particular:

- Article 1 – the right to peaceful enjoyment of possessions;
- Article 6 – the right to a fair hearing;
- Article 8 – the right to respect for private and family life
- Article 10 – the right to freedom of expression.

Miscellaneous

The licensing authority shall as far as possible carry out its functions so as to avoid duplication with other regulatory regimes.

Nothing in this statement shall override the right of any person to make an application under the Gambling Act 2005 or to have that application considered on its merits.

Nothing in this statement shall undermine the right of any person to make representations on an application or seek review of a licence where provided for under the Gambling Act 2005.

Statement of Policy and Principles under the Gambling Act 2005

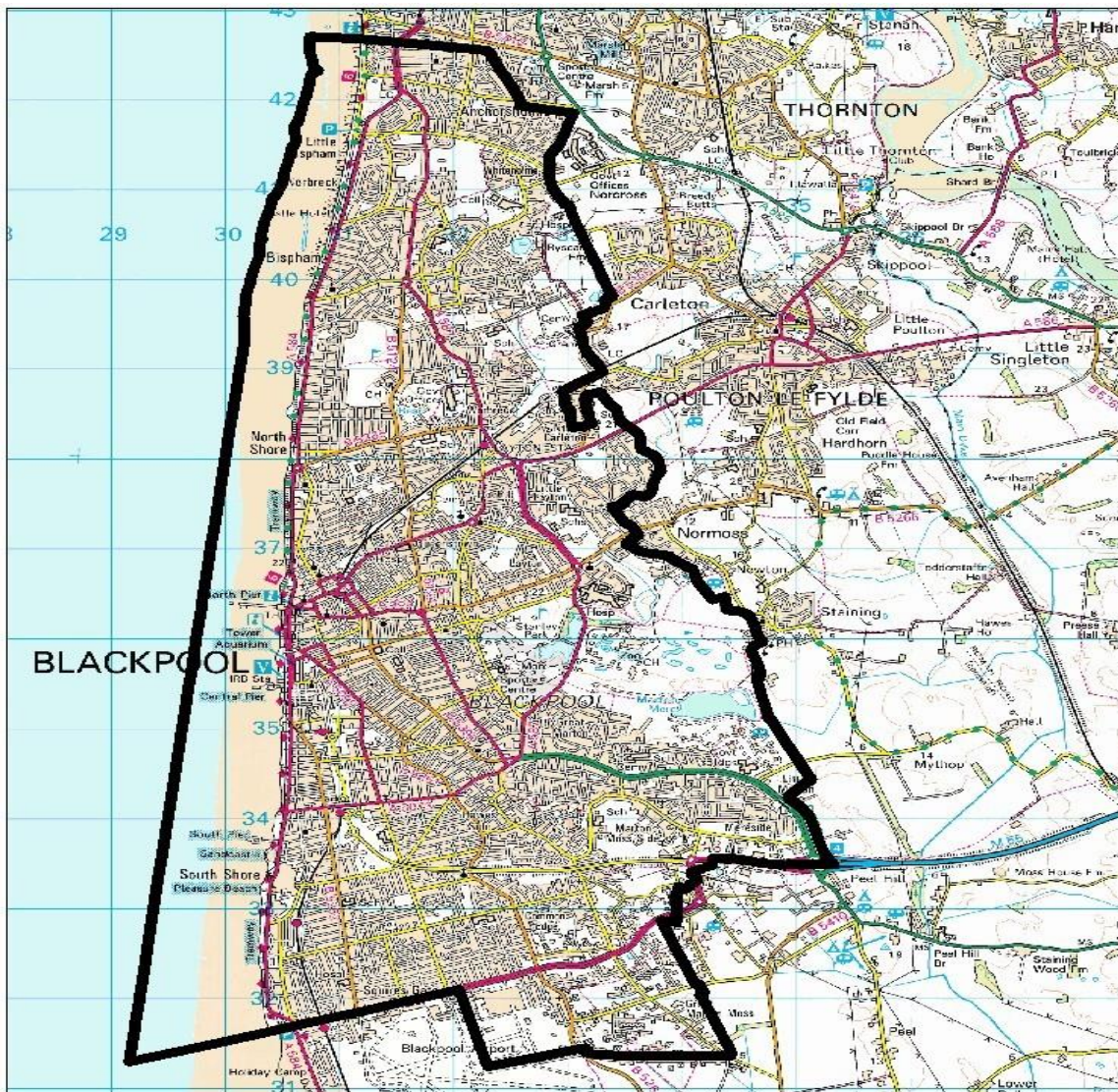
| Matter to be dealt with | Full Council | Licensing Panel | Officer Delegation |
|---|--------------|--|---|
| Three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Application for a premises licence | | Where representations have been received and not withdrawn | Where no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

Statement of Policy and Principles under the Gambling Act 2005

| | | | |
|---|--|---|---|
| Cancellation of licensed premises gaming machine permit | | | X |
| Consideration of a temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

Statement of Policy and Principles under the Gambling Act 2005

Appendix 1



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Blackpool Council

Organisational Change Unit
Tourism & Regeneration Department
P.O. Box 77, Corporation Street,
Blackpool, FY1 1AD

corporatepolicy@blackpool.gov.uk



Title: Map with Blackpool Borough Boundary

Scale: 1:50000

Date: 20/06/2006 Printed by: RW

Statement of Policy and Principles under the Gambling Act 2005

Appendix 2

List of Persons Consulted

Lancashire Constabulary

Coral Racing Limited

Done Brothers

British Beer & Pub Association

Bingo Association

The COA(UK)

National Casino Industry Forum

BACTA

Rank Group

Noble Organisation

British Home & Holiday Parks Association

Association of British Bookmakers

Blackpool Pleasure Beach

Poppleston Allen

Warwicks Amusements

William Hill

Silcock Leisure Group

Ladbrokes

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|--------------------------|--|
| Report to: | Licensing Committee |
| Relevant Officer: | Sharon Davies, Head of Licensing Service |
| Date of Meeting | 27 th October 2015 |

DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1.0 Purpose of the report:

- 1.1 To consider the draft Hackney Carriage and Private Hire Licensing Policy

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

- 3.1 The Hackney Carriage and Private Hire Licensing Policy was last revised in 2010 and requires updating.

- 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 review the Hackney Carriage and Private Hire Licensing Policy.

4.0 Council Priority:

- 4.1 The relevant Council Priority is

"Safeguard and protect the most vulnerable"

5.0 Background Information

- 5.1 The Hackney Carriage and Private Hire Licensing Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council's approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.
- 5.2 The current policy has been in existence since 2010 and the Licensing Committee at its meeting on the 3rd June 2015 requested that officers undertake a full review of the policy in the light of recent cases for example, Rotherham, which have received national publicity.
- 5.3 In February 2015, the Casey Report into Child Sexual Exploitation (CSE) was published. That report devoted two chapters to taxi licensing and the involvement of taxis in Child Sexual Exploitation. A recent Serious Case Review from Oxford also highlighted the involvement of taxi drivers in Child Sexual Exploitation – on this occasion they were not the perpetrators, however they were used to take young people to places where they were then abused. These reports highlight the importance of ensuring that only suitable people are licensed as drivers and that those who are licensed receive appropriate training on safeguarding issues.
- 5.4 In drafting the draft policy which can be found at Appendix 4a, Officers have considered policies from other Council areas, in particular Rotherham as this was re-written following criticism by the author of the report into Child Sexual Exploitation.
- 5.5 The main changes to the policy can be summarised as follows:
- 5.6 Drivers
- Greater emphasis has been given to the fit and proper test for drivers
 - Expansion of the application process to require training in CSE, disability and dementia awareness and to require existing drivers to undergo CSE training
 - Require the applicant to demonstrate a sufficient ability to speak and understand English
 - To require evidence of the right to work in the UK
 - Requiring drivers to register with the Disclosure and Barring Service update service.
 - To adopt a revised policy on the relevance of convictions and cautions based on a recently revised template issued by the Local Government Association
 - Expanding the knowledge of the Borough test to include road safety and basic vehicle maintenance
 - To introduce a code of conduct when working with vulnerable passengers

5.7 Vehicles

- To propose that all new and replacement multi-seat vehicles carrying 6-8 passengers must be wheelchair accessible
- To invite comments about the maximum age of vehicles
- To invite comments on the frequency of testing of vehicles
- To require licence holders wishing to change their vehicle part-way through the licence period to apply for a new licence

5.8 Consultation would take place on the draft policy over a period of approximately twelve weeks. Any comments received during that period would be taken into account before the proposed policy is brought back to the Licensing Committee for consideration. Final approval of the Executive would be required before the policy could come into effect.

5.9 Does the information submitted include any exempt information? No

5.10 **List of Appendices:**

Appendix 4a – Draft Hackney Carriage and Private Hire Licensing Policy

6.0 Legal considerations:

6.1 There is a risk of Judicial Review if appropriate consultation does not take place.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 There will be a possible impact from requiring applicants to demonstrate a basic level of English language. This can however be mitigated by the intention to signpost applicants who cannot meet the required standards to relevant training.

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 None

12.0 Internal/ External Consultation undertaken:

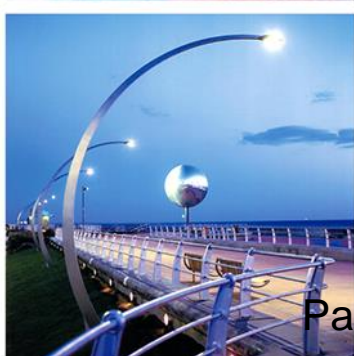
12.1 Full consultation will take place internally and externally when the draft policy is approved for consultation.

13.0 Background papers:

13.1 None

Draft Hackney Carriage and Private Hire Licensing Policy

Blackpool Council



Draft Hackney Carriage and Private Hire Licensing Policy 2015

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Draft Hackney Carriage and Private Hire Licensing Policy 2015

1. Introduction

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

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

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

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

2. Aims and objectives of the licensing policy

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

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

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

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

Draft Hackney Carriage and Private Hire Licensing Policy 2015

3. Delegations

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

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

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

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

Hackney carriage/private vehicle licensed may be suspended by the Head of Licensing Services 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

Draft Hackney Carriage and Private Hire Licensing Policy 2015

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

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

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

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

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

4.2 Making an application

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

- That the applicant has the right to live and work in the country
- An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
- A certificate of their current medical fitness to Group 2 standard
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
- That the applicant has a minimum of three years post-qualification driving experience (or if not, successful completion of an advanced driving assessment)

Draft Hackney Carriage and Private Hire Licensing Policy 2015

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

If an applicant has spent six continuous months or more overseas, the licensing authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made.

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

Draft Hackney Carriage and Private Hire Licensing Policy 2015

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 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.

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.

Draft Hackney Carriage and Private Hire Licensing Policy 2015

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 and every 3 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

Draft Hackney Carriage and Private Hire Licensing Policy 2015

- 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

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

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

4.2.7 Safeguarding Training

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

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

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

Draft Hackney Carriage and Private Hire Licensing Policy 2015

appropriate timescales. Comments are invited on how the training should be delivered to existing drivers.

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.

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.

Draft Hackney Carriage and Private Hire Licensing Policy 2015

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.

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

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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.

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

5.3 Maximum age of vehicles

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

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

5.4 Vehicle Testing

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

| | |
|-------------------|------------------------|
| 1-5 years old | 1 inspection per year |
| 5-10 years old | 2 inspections per year |
| Over 10 years old | 3 inspections per year |

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

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,

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private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word “taxi” or “hackney”

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

5.6 Application Process

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

A valid application will consist of:

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

5.7 Grant and renewal of licences

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

5.8 Change of Vehicle

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

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

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5.9 Conditions

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

The following condition is attached to all hackney carriage licences:

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

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

5.10 Accidents

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

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

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

5.11 Meters

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

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5.12 Fares

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

5.13 CCTV

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

The CCTV system must:

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

6 Operators

6.1 Requirement for a licence

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

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

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

6.2 Fitness and propriety

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

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

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

6.3 Insurance

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

6.4 Conditions

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

6.5 Address of Operator

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

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.

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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 Penalty Points Scheme

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

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

7.1.2 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

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impacts on their fitness to be a licence holder. The Sub-Committee will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

Warnings

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

Suspensions

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

Revocations

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

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

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Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

1. Introduction

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

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

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

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

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

2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that her or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).
- (Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).
- 2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3 Appeals

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

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- 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.

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

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- Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant
- 5.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 478343 in confidence for advice.
- 5.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence 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.

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6 Serious offences involving violence

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

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

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

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

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

7. Possession of a weapon

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

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

8. Sex and indecency offences

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual

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offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.

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

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

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and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.

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

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

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

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

10. Drugs

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

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

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

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

11 Driving offences involving the loss of life

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

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

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

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

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

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- 12.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they :
- are much less aware of what's happening on the road around them
 - fail to see road signs
 - fail to maintain proper lane position and steady speed
 - are more likely to 'tailgate' the vehicle in front
 - react more slowly, take longer to brake and longer to stop
 - are more likely to enter unsafe gaps in traffic
 - feel more stressed and frustrated.
- 12.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 12.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

13 Licensing offences

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

14 Insurance offences

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

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- 14.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 14.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

15 Outstanding charges or summonses

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

16 Non-conviction information

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

17 Cautions

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

18 Licences issued by other licensing authorities

- 18.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

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- 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.

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Appendix C - Code of Conduct for Licence Holders

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

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

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

Licence holders shall:

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

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

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

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

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

At private hire offices a licence holder shall:

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

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

Licensed drivers shall

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

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Appendix D - Driver Dress Code

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

Acceptable Standard of Dress

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

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

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

Footwear

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

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

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

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

Appendix E - Code of Conduct when working with vulnerable passengers

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

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

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

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

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

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

Always ask if a vulnerable person needs help do not assume

Drivers should remain professional at all times and should not:

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

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

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

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

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Appendix F - Vehicle Specification

General

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

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

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

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

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

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

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at least three doors not including the tailgate or rear doors. There must be a minimum of 54 inches width between door handles.

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. 34 inches is recommended.

Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least 7 inches between the back of the front seat and the front of the next row of rearward seats.

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. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

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

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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.

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 requirement 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
- Trailers must undergo the Authority's inspection and licensing regime and must display an identification plate as specified by the Authority.

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 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

The windows or windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it unless the following criteria are met:

- The vehicle is only licensed for private hire purposes,
- The vehicle is a stretched limousine or prestige type vehicle,
- The vehicle will not be engaged at all in any contract for the carriage of school children or based around the carriage of children/young persons, and
- The operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

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:

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- 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.
- 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.

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
- 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

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- 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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