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Blackpool Council

10 June 2022

To: Councillors Cox, Farrell, Hunter, Hutton, D Scott and Wilshaw

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 21 June 2022 at 6.00 pm
in Committee Room A, Town Hall

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

1 DECLARATIONS OF INTEREST

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

(1) the type of interest concerned either a

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

and

(2) the nature of the interest concerned

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

2 MINUTES OF THE LAST MEETING HELD ON 24 MAY 2022 (Pages 1 - 2)

To agree the minutes of the last meeting held on 24 May 2022 as a true and correct record.

3 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 3 - 48)

The Sub-Committee to consider a draft Hackney Carriage and Private Hire Licensing Policy.

*** 4 PRIVATE HIRE DRIVER LICENCES** (Pages 49 - 64)

To consider applicants who have been convicted of offences or who have otherwise given reasons for concern.

(This item contains personal information regarding applicants which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

5 DATES OF NEXT MEETINGS

To note the dates of the next meetings as 12 July 2022 (additional meeting to consider applications for Sexual Entertainment Venue licences) and 19 July 2022.

Venue information:

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

Other information:

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Senior Adviser, Tel: (01253) 477153, e-mail sarah.chadwick@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

Farrell	D Scott	Wilshaw
Hunter	Mrs Scott	

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor

Sharon Davies, Senior Licensing Solicitor

Ben Williams, Barrister for Blackpool Council

Lee Petrak, Licensing and Trading Standards Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 26 APRIL 2022

Resolved:

That the minutes of the meeting held on 26 April 2022 be approved and signed by the Chair as a correct record.

3 APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by AA Recreation 1 Ltd to renew the Sexual Entertainment Venue Licence for First and Second Floor, 15-17 Queen Street, Blackpool.

Mr Ben Williams, Barrister on behalf of Blackpool Council, advised members that since the publication of the agenda the application had been withdrawn and therefore no determination was required by Members at the meeting.

Resolved:

To note that the application to renew the Sexual Entertainment Venue Licence for First and Second Floor, 15-17 Queen Street, Blackpool, had been withdrawn.

4 APPLICATION TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by UK Exclusive Entertainments Ltd to transfer the Sexual Entertainment Venue Licence for First and Second Floor, 15-17 Queen Street, Blackpool.

Mr Ben Williams, Barrister on behalf of Blackpool Council, referred Members to the previous item when the Sub-Committee had been advised that the renewal of the licence for the same venue had been withdrawn. As the transfer application had been made after

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 24 MAY 2022

the original expiry date of that licence, he advised that the transfer was now redundant as there was no longer a licence in force to transfer. The transfer application was therefore also deemed as being withdrawn as per the renewal.

Resolved:

To note that the application to transfer the Sexual Entertainment Venue Licence for First and Second Floor, 15-17 Queen Street, had been withdrawn.

5 APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by AA Recreation 1 Ltd for a new Sexual Entertainment Venue Licence for "Dreams", 11-13 Queen Street, Blackpool.

Mr Ben Williams, Barrister on behalf of Blackpool Council, reminded the Sub-Committee that it had previously considered the application at its meeting in September 2021 when it deferred a decision pending the outcome of an appeal by Pool Construction Ltd against the refusal to transfer the licence for 15-17 Queen Street. That appeal was still ongoing and was listed for a Case Management Hearing on 1 June 2022 with a date for the appeal itself after that initial hearing yet to be confirmed. Mr Williams therefore recommended that as the appeal was still ongoing, the Sub-Committee further deferred its decision until after the Case Management Hearing when a timescale for the appeal would be known.

Appearing before the Sub-Committee Mr Mark Newton, Director of AA Recreation 1 Ltd, acknowledged the reasons for the deferral. The Sub-Committee therefore agreed to further defer their consideration pending further information as to the appeal timescale at the Case Management Hearing on 1 June 2022.

Resolved:

That consideration of whether to grant a new Sexual Entertainment Venue licence for 11-13 Queen Street be deferred to a future meeting pending further information as to the appeal timescale at the Case Management Hearing on 1 June 2022 in respect of the transfer application for 15-17 Queen Street.

6 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 21 June 2022.

Chairman

(The meeting ended 6.23 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Senior Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting:	21 June 2022

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1.0 Purpose of the report:

1.1 To consider a draft Hackney Carriage and Private Hire Licensing Policy.

2.0 Recommendation(s):

2.1 To consider the draft policy and, subject to any amendments the Sub-Committee wishes to make, to approve the draft for an eight week consultation exercise to take place.

3.0 Reasons for recommendation(s):

3.1 The existing policy received approval in 2016. The policy is due for a full review taking into consideration the Statutory Taxi and Private Hire Standards published by the Department for Transport.

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

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

4.0 Other alternative options to be considered:

4.1 None.

5.0 Council priority:

5.1 The relevant Council priority is

- "The economy: Maximising growth and opportunity across Blackpool".

6.0 Background information

6.1 Best practice dictates that the Council should have a policy setting out how it will approach decisions relating to taxi and private hire licensing. The last full review of the Hackney Carriage and Private Hire Licensing Policy took place in 2016, although the Council made minor amendments in 2018 a full review is now required to ensure that the policy remains up

to date and fit for purpose.

- 6.2 The Policing and Crime Act 2017 empowered the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire licensing functions to protect children and vulnerable individuals from harm when using these services. The Department for Transport published the statutory standards in July 2020 and there is an expectation that authorities will implement the recommendations contained therein unless there is a compelling reason not to do so.
- 6.3 The draft policy at Appendix 3a takes into account the recommendations of the statutory standards. The main change is to the convictions policy.
- 6.4 Whilst there is a desire for the trade to invest in newer, more environmentally friendly vehicles, officers recognise that drivers and operators have suffered from a lack of trade over the last few years due to COVID 19 and therefore require a period to recover. For this reason, there is no proposal to reduce the maximum age limit for licensed vehicles.
- 6.5 The draft policy does recognise that the Council has committed to achieving net zero carbon emissions by 2030 and the proposal is to ban the sale of combustion engines from the same date. Accordingly, the intention is to commence discussions with the trade about how the trade can move towards a more sustainable fleet.
- 6.6 A change to the testing policy for vehicles is proposed. Currently vehicles below 14 years of age have 2 'pit tests' at the Council's Central Vehicle Maintenance Unit each year. Vehicles over 14 years of age have 3 tests. A pit test involves all of the checks undertaken during an MOT plus additional checks of a more cosmetic nature on bodywork, seating etc. The proposal put forward is that this will change to one pit test and one MOT after six months for vehicles under 14 years and one pit test and two MOTs for vehicles over 14 years of age. Both the pit test and MOTs will be undertaken by CVMU.
- 6.7 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1 Appendix 3a – draft Hackney Carriage and Private Hire Licensing Policy.

8.0 Financial considerations:

- 8.1 None.

9.0 Legal considerations:

- 9.1 Before approving any changes to the policy, there must be a period of consultation with the trade and other interested parties.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 There are a number of climate change and environmental issues to consider and these are outlined in sections 6.4 and 6.5 of the background information.

13.0 Internal/external consultation undertaken:

13.1 Consultation will take place following approval of the draft policy.

14.0 Background papers:

14.1 [Statutory taxi and private hire vehicle standards.](#)

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1. Introduction

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

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

- The aims and objectives of this policy (see below)
- Current legislation
- The Department for Transport “ Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” March 2010
- Regulators Code 2014
- The Statutory Taxi and Private Hire Standards

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 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.

This policy will take effect on XX/XX/2022 for a maximum period of five years however, interim reviews will take place if necessary and the performance of the licensing authority will be reviewed annually.

3. Gathering and sharing of information

The Council will gather available information when making a decision whether to grant a licence and to meet the on-going obligation to ensure that licence holders remain suitable to hold a licence.

The Disclosure and Barring Service (DBS)

The DBS provides access to criminal record information. They also maintain lists of individuals barred from working in regulated activity with children, adults or both. Enhanced DBS certificates provides an individual's live and spent convictions together with any additional information the chief officer of police believes to be relevant and ought to be disclosed.

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

The Police

Common Law Police Disclosure enables the police to disclose information to the licensing authority concerning a driver where there is a public protection risk. As information is disclosed at arrest or charge rather than conviction, the authority is able to take mitigating action at the earliest opportunity.

Sharing information with other licensing authorities

Applicants are required to confirm whether they have previously held a licence with another authority. Checks will be made with any authority disclosed. Blackpool Council will also use the NR3 database of refusals and revocations as a further source of information.

Multi-agency safeguarding (MASH)

Multi-agency safeguarding hubs promote better information sharing between agencies to improve the safeguarding response for children and the vulnerable. The Child Protection Licensing officer provides a link with the MASH to ensure that relevant information is exchanged with the licensing authority.

Complaints against licence holders

Complaints about licence holders can be a valuable source of information and intelligence. It may be possible to identify patterns of behaviour, which casts doubt on an individual's fitness to hold a licence. For this reason, the licensing authority will ensure that they have a robust system for recording complaints.

Overseas convictions

A DBS certificate may not provide a complete picture of an individual who has spent periods living or working abroad. Where an applicant has been abroad for an extended period (3 months or more), they will be required to provide criminal record information or a certificate of good character.

4. Decision making

The Regulatory Structure

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 Public Protection Sub-Committee meets approximately every four weeks to consider matters relating to hackney carriage and private hire licensing.

- Each case will be determined on its own merits
- The elected members making the decision will not be involved in day-to-day operational matters resulting in a clear distinction between the investigator and decision maker.

5. Delegations

To enable efficient administration the Trading Standards and Licensing Manager 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.

In cases where a serious matter comes to the attention of the licensing service which may require an immediate revocation, the following procedure will apply: The driver will be invited to a formal interview to discuss the area of concern with the Trading Standards and Licensing Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. Consideration will then be given as to which of the following three courses of action is necessary and proportionate:

- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
- ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
- iii) That no action be taken at present, this does not preclude further investigation of the issue.

Where the licence is revoked, the Public Protection Sub-Committee will be advised of the circumstances of the case at their next scheduled meeting.

Hackney carriage/private vehicle licensed may be suspended by the Trading Standards and Licensing Manager if it cannot be established that the vehicle is suitably insured.

6. 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.

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

“Without prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?” If on the balance of probabilities the answer is no the individual should not hold a licence.

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 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.

All decisions on an applicant's suitability will be made on the balance of probabilities. As safeguarding the public is paramount, an applicant will not be given the benefit of the doubt meaning if the decision maker is only 50/50 as to whether the applicant is fit and proper, they should not hold a licence.

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 driving test with a Council approved examiner)

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

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

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.

Disclosure and Barring Service Check

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

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

The DBS send the certificate to the applicant direct. Where the certificate shows convictions or information from the Police, the applicant is required to produce the original certificate 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

DBS Update Service

Subscription to the DBS update service allows the authority to check the status of the certificate online removing the need for new certificates. As part of its on-going duty to protect the public, the licensing authority will check the status of DBS certificates for its licensed drivers every six months. Licence holders are encouraged to subscribe to the update service to enable this to take place. If a licence holder does not wish to subscribe to the service, they will be required to obtain a new DBS certificate every six months.

Applicants with periods of residency outside the UK

If a new applicant has spent three 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.

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, Appendix A.

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

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

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

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

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

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

Exemption Certificates

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

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
- 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 is payable 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 is considered a failure.

Applicants previously licensed 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.

Customer Service Training

The licensing authority has suspended the requirement to undertake the NVQ. It is the intention of the licensing authority to develop a suitable training package. Once available; new applicants will be required to undertake this training before being licensed.

Child Sexual Exploitation and Abuse

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

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

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

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Lancashire Police.

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

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

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.

Standards expected of a licensed driver

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.

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.

Dress Code

The authority recognises 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.

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.

7 Hackney Carriage and Private Hire Vehicles

7.1 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.

7.2 Vehicle Specification

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

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

Accessible vehicles. With an ageing population, there is an increasing need for wheelchair and other forms of accessible vehicles. The authority does however recognise that some customers prefer to travel in a saloon vehicle. It does appear that there are insufficient numbers of wheelchair accessible vehicles and drivers medically fit to load wheelchair passengers accordingly the authority wishes to explore options to increase the number of accessible vehicles available to the public.

7.3 Maximum age of vehicles

The licensing authority will not licence a vehicle that is aged 14 years or over at the time of first licensing.

Existing licensed vehicles may continue to be licensed beyond 14 years of age if they satisfy the exceptional quality policy.

Blackpool Council is committed to net zero carbon emissions by 2030 and the sale of combustion engines in the UK is to cease in the same year. Whilst these vehicles will remain on the roads for some time thereafter, there is the need to plan for the changes ahead. Moving the licensed fleet to cleaner more sustainable vehicles will take some time, but the licensing authority intends to start the discussions with the trade to ensure a smooth transition. Vehicle Testing

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

Below 14 years of age*	One annual pit test and one MOT per year
Over 14 years of age	One annual pit test and two MOTs per year

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

7.4 Signage

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

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.

7.5 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
- Basic DBS disclosure if the applicant does not hold a current hackney carriage/private hire driver's licence
- 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

7.6 Grant and renewal of licences

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

7.7 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.

7.8 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

7.9 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.

7.10 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

7.11 Fares

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

7.12 CCTV

CCTV in vehicles can have a number of benefits:

- Deterring and preventing crime
- Reducing the fear of crime
- Assisting police investigation of incidents
- Assisting insurance companies investigating accidents.

The licensing authority does not intend to mandate the installation of CCTV. Licence holders may however fit their vehicle with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use.

The CCTV system must:

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

8 Operators

8.1 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

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.

8.2 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.

8.3 Insurance

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

8.4 Conditions

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

8.5 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.

9 Compliance and Enforcement

9.1 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.

9.2 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 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 61 Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect in certain circumstances..

Revocations

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

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

Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

Introduction

The Licensing Authority has adopted the policy of convictions set out in the Department for Transport Statutory and Best Practice Guidance.

Each case will be dealt with on its own merits and applicants/licence holders will be entitled to a fair, impartial consideration of their case.

Where a period is given below, this should be taken to be the minimum period when considering whether a licence should be granted or renewed.

1. Crime Resulting in Death

- 1.1 Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person, or was intended to cause the death or serious injury of another person they will not be licenced

2. Exploitation

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

3. Offences involving violence against the person

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

4. Possession of a weapon

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

5. Sexual Offences

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

6. Dishonesty

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

7. Drugs

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

8. Discrimination

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

9. Motoring convictions

- 9.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying members of the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 9.2 Any motoring conviction while a licensed driver demonstrates that the licence holder does not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor road traffic offence may not necessitate the revocation of a licence providing the authority considers that the holder remains a fit and proper person.

10. Drink Driving/driving under the influence of drugs

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

11. Using a hand held device whilst driving

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

12. Outstanding charges or summonses

- 12.1 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.
- 12.2 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.

13. Non-conviction information

- 13.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information/complaints the credibility of both the witness/complainant and the licence holder will be taken into account. Consideration will be given to whether complaints received demonstrate a pattern of conduct which causes concern.

- 13.2 If an applicant/licence holder has been arrested or charged but not convicted of a serious offence which suggests that they could be a danger to the public consideration should be given to refusing the application. Such offences will include violent and/or sexual offences or allegations of driving a vehicle under the influence of alcohol or drug
- 13.3 Licence holders will be referred to the Public Protection Sub-Committee where it is clear that their behaviour is not influenced by verbal or written warnings administered by Licensing Enforcement Officers.
- 13.4 In assessing the action to take, the safety of the travelling public must be the paramount concern.

14. Cautions

- 14.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. Cautions must be declared on the application form. Existing drivers should notify the Licensing Service within 7 days of a caution being accepted.

15. Licences issued by other licensing authorities

- 15.1 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.
- 15.2 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.

16. Summary

- 16.1 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.

- 16.2 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.
- 16.3 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.

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.

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
- 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

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.

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

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 and drive.

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

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

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

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

Doors

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

Interior Dimensions

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

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

Seats

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

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

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

Seat Belts

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

Signage

Hackney carriage

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

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

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

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

Disability Access

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

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

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

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

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

Vehicles powered by Liquid Petroleum Gas (LPG)

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

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

Tinted Windows

Any window tint must comply with relevant UK legislation.

Changes

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

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

Unauthorised Use

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

Accident Reporting

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

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

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

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

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

- ✓ 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.

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

Appendix H - Private Hire Vehicle Licence Conditions

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

Appendix I - Private Hire Operator's Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	21 June 2022

PRIVATE HIRE DRIVER LICENCES

1.0 Purpose of the report:

1.1 To consider applicants who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the referrals as appropriate.

3.0 Reasons for recommendation(s):

3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed.

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

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

4.0 Other alternative options to be considered:

4.1 None, as the Sub-Committee is required to determine the application and referrals.

5.0 Council priority:

5.1 The relevant Council priority is:
"The economy: Maximising growth and opportunity across Blackpool"

6.0 Background information

6.1 The Sub-Committee is asked to determine whether or not the applicants are fit and proper persons to hold Private Hire driver licences in respect of the following cases:

D.K. (New applicant)
K.N.T. (New applicant)

6.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 4(a) to 4(d).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 4(a) D.K. Details of case (not for publication)
Appendix 4(b) D.K. DBS certificate (not for publication)
Appendix 4(c) K.N.T. Details of case (not for publication)
Appendix 4(d) K.N.T. Decision Notice (not for publication)

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee must be satisfied that the applicants are fit and proper persons to be licensed.

There is the right of appeal to the Magistrates' Court.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

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