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Blackpool Council

23 September 2022

To: Councillors Farrell, Hunter, Hutton, D Scott and Wilshaw (subject to confirmation at Licensing Committee)

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 4 October 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 7 SEPTEMBER 2022 (Pages 1 - 6)

To agree the minutes of the last meeting held on 7 September 2022 as a true and correct record.

3 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY (Pages 7 - 152)

To consider the proposed Hackney Carriage and Private Hire Licensing Policy.

* **4 PRIVATE HIRE DRIVER LICENCE** (Pages 153 - 164)

To consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

5 DATE OF NEXT MEETING

To note the date of the next meeting as 1 November 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.

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by the Chairman as a correct record.

5 MINUTES OF THE MEETING HELD ON 2 AUGUST 2022

The Sub-Committee considered the minutes of the meeting held on 2 August 2022.

Resolved: That the minutes of the meeting held on 2 August 2022 be approved and signed by the Chairman as a correct record.

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

The Sub-Committee considered applicants for new Private Hire and Hackney Carriage Driver Licences who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

i) DSC

The Sub-Committee considered an application from DSC for a new Private Hire Driver's Licence. Mr Ryan Ratcliffe, Licensing Enforcement Officer, informed Members that DSC's Solicitor had contacted the Licensing Service to request that the application was deferred due to him being unavailable to attend the meeting.

The Sub-Committee considered the request and agreed to defer consideration to its next ordinary meeting.

Resolved: That consideration of the application for a new Private Hire Driver's licence for DSC be deferred to the next meeting on 4 October 2022.

ii) KB

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that KB had applied for new Hackney Carriage and Private Hire Driver licences in February 2022. As part of the application process all new applicants were vetted by Blackpool Council's Child Protection Licensing Officer who had submitted an intelligence report on 14 March 2022 raising concerns in respect of KB and alleged inappropriate behaviour towards a young person. Although no information had been disclosed separately by the Chief Officer of Police on the Disclosure and Barring Certificate, nor had KB been charged or convicted of any offence, Mr Ratcliffe considered that the nature of the intelligence received raised serious concerns over their fitness and propriety to hold a licence. Referring to sections 1.3, 16.2 and 16.4 of the Hackney Carriage and Private Hire Convictions Policy, Mr Ratcliffe recommended that, although KB had not been convicted of an offence, consideration should still be given to refusing the application even if the applicant had not been charged by the Police.

KB appeared before the Sub-Committee accompanied by the parent of the young person who endorsed the character of KB by stating that they should be considered a fit and

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proper person to be granted a licence. KB advised Members that they had never been in trouble with the authorities previously and that they had applied for a taxi driver licence due to recent knee surgery which prevented them from being able to undertake their current physically demanding job as easily.

KB agreed that the information provided in the intelligence report was factually correct and went on to explain the circumstances, advising members that they had been attempting to help the young person who had led a troubled lifestyle and that in their opinion their actions had been misinterpreted by the authorities. However, they accepted that a text message sent by KB to the young person had been inappropriate and regret was expressed for the incident.

The Sub-Committee carefully considered the information presented by all parties. Members noted that KB had not been convicted of any offence and acknowledged the character endorsement provided by the parent of the young person. However, concerns were expressed about the nature of the intelligence provided and, having taken into consideration the Hackney Carriage and Private Hire Convictions Policy, decided on balance that KB was not a fit and proper person to hold a licence.

Resolved: That the application for new Private Hire and Hackney Carriage Driver Licences for KB be refused.

iii) AC

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of AC who had made an application for a Private Hire Driver's Licence in June 2022. The Enhanced DBS certificate submitted as part of the application process had disclosed that AC had six convictions for eight separate offences between June 2012 and August 2021 in relation to drugs offences and failure to comply with Community Orders imposed as a result of those offences. In addition, a DVLA check had revealed that in July 2021 AC had been convicted of an MS90 (failure to give information as to identity of driver etc) which resulted in 6 penalty points on their DVLA driving licence. Furthermore, Mr Ratcliffe reported that AC had failed to disclose their full conviction history on their application form.

Referring to Blackpool Council's Hackney Carriage and Private Hire Convictions Policy, in particular that a licence would not normally be granted if an applicant had more than one conviction for a drugs related offence or if they had omitted information from their application, Mr Ratcliffe therefore recommended that Members refused the application.

AC appeared before the Sub-Committee and explained that they had not been aware that the full history of convictions had to be declared on their application form, particularly as a previous Basic Disclosure check had only disclosed unspent convictions. In relation to the drugs related convictions from 2012 and 2013, AC advised members that they had occurred during a difficult period in their life following the death of their father and birth of their daughter and regret was expressed for their actions at that time. Members were advised that the most recent conviction from 2021 was a result of small quantity of

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cannabis being found at the family business for which AC bore no responsibility but accepted the charge to protect other family members.

Referring to the driving offence, AC explained that the conviction had come about whilst selling their vehicle and a potential purchaser had been caught speeding whilst test-driving the car. As AC had been in the process of moving house at that time, correspondence with the Police identifying the driver had not been received which led to AC being charged with failing to identify the driver. AC highlighted that they had not received any other driving convictions and that they had recently secured employment in the care sector who had expressed trust in their character despite the convictions. AC therefore requested that Members granted the application.

The Sub-Committee carefully considered the evidence submitted by both parties alongside the Hackney Carriage and Private Hire Convictions Policy. Members noted the applicant's regret however expressed concern over the number of convictions accumulated by AC, particularly the number of drugs related offences, and were not convinced that the case presented by the applicant was sufficient to warrant departure from the policy. They therefore agreed on balance to refuse the application.

Resolved:

That the application for a new Private Hire Driver Licence for AC be refused.

7 HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE

The Sub-Committee considered the case of CJWS, an existing Horse Drawn Hackney Carriage Driver, who had been convicted of offences or who had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that CJWS had appeared before the Sub-Committee on numerous previous occasions, most recently in August 2019 when they had received a six week suspension and were issued with a severe warning letter following a conviction for ABH.

In July 2022 a scheduled DVLA check had revealed that CJWS had been convicted of using a vehicle whilst uninsured, which had not been reported to the Licensing Service as required by condition 1 of the Horse Drawn Hackney Carriage Driver Licence, and they currently had a total of 9 points on their DVLA driving licence. In the same month CJWS had been issued with an enforcement warning letter having been observed using their mobile phone whilst in control of a Horse Drawn Hackney Carriage Vehicle.

Referring to Blackpool Council's Horse Drawn Hackney Carriage Convictions Policy, Mr Ratcliffe reminded members that a serious view should be taken of convictions of driving without insurance. The failure to disclose that conviction together with the warning received for using a mobile phone whilst their carriage was in motion led Mr Ratcliffe to express concerns that CJWS had demonstrated a continued unwillingness to comply with the conditions of their licence and he therefore recommended the minimum of a two

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week suspension was imposed.

CJWS attended the meeting accompanied by their legal representative, Mr Alan Cobain, who explained the circumstances of the previous incidents for which CJWS had appeared before the Sub-Committee. Although when considered cumulatively he accepted that they did not paint a positive picture of his client, he explained that there were mitigating circumstances for each incident which, in his opinion, when considered in isolation were minor transgressions.

In relation to the recent conviction of driving without insurance, Mr Cobain informed members that a misinterpretation of the conditions of CJWS' own motor insurance policy had led them to believe they would be insured on a third party basis to drive their late father's vehicle. The Sub-Committee was informed that, having been flagged by the Police, CJWS was dismayed to learn that was not the case but accepted the offence for which they received 6 points on their driving licence. Referring to the enforcement warning letter that had been issued for use of a mobile phone whilst their carriage was in motion, Mr Cobain stated that the phone had been used in loudspeaker mode and was not being held by CJWS while driving and was therefore akin to a phone being used in "hands-free" mode in a motor vehicle.

Mr Cobain concluded that CJWS was a hard-working individual who had expressed remorse for the incidents and requested that the Sub-Committee did not impose a suspension as it would take effect during the busy Illuminations period when CJWS earned the majority of their takings for the year.

The Sub-Committee carefully considered the information provided by both parties. It noted the numerous previous appearances made by CJWS before the Sub-Committee and accepted that a number of the incidents for which they appeared could individually be considered as relatively minor transgressions. Members acknowledged the financial impact of a suspension during the Illuminations period, however were concerned at CJWS' continued failure to comply with the licence conditions and, having considered the Horse Drawn Hackney Convictions Policy and Driver Licence conditions, agreed on balance that a two week suspension was reasonable.

Resolved:

To suspend CJWS' Horse Drawn Hackney Carriage Driver Licence for a period of two weeks.

8 DATES OF NEXT MEETINGS

The date of the next ordinary meeting was confirmed as 4 October 2022.

The Sub-Committee noted that a special meeting to consider the Hackney Carriage and Private Hire Licensing Policy and consultation responses was scheduled to be held on 19 September 2022.

[Note – following the passing of Her Late Majesty Queen Elizabeth II members were

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notified that this meeting was cancelled and that the Policy would be considered instead at the next ordinary meeting on 4 October 2022.]

Chairman

(The meeting ended 7.35 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	4 October 2022

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1.0 Purpose of the report:

1.1 To consider the proposed Hackney Carriage and Private Hire Licensing Policy.

2.0 Recommendation(s):

2.1 To consider the proposed policy and, subject to any amendments the Sub-Committee wishes to make, to recommend it to the Licensing Committee for recommendation to the Executive for adoption.

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.

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

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

3.3 Other alternative options to be considered:

None.

4.0 Council Priority:

4.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

5.0 Background Information

- 5.1 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.
- 5.2 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.
- 5.3 The Sub-Committee considered a draft version of the policy at its meeting on 21 June 2022 and approved a period of consultation.
- 5.4 Consultation took place from July 2022 and ended on 16 September 2022. Two meetings were held with representatives from the hackney carriage and private hire trade to discuss the content of the draft policy.
- 5.5 The written responses to the consultation can be found at Appendix 3a, the proposed policy (with tracked changes) is at Appendix 3b and the proposed policy (without tracked changes) is at Appendix 3c.
- 5.6 Those present at the meetings were supportive of the proposal to move to a combination of annual pit inspection and MOT test six months later (or 4 and 8 months later in the case of vehicles over 14 years). The proposed policy has been amended to confirm the intervals between pit inspection and MOT. Discussions will take place with the trade on the transition from the old system to the new.
- 5.7 The other amendments to the proposed policy have been made following consideration of the response from NPHTA sent on behalf of BLTOA and Blacktax. The main changes are noted below.
- 5.8 The Sub-Committee will note that the Code of Conduct when working with vulnerable passengers has been removed. This code pre-dates the safeguarding training that has been in place for a number of years and as the consultation comments state, much of the conduct suggested in the code is what would be expected of a licensed driver whenever they are working. Officers will review the

need for a refreshed code of conduct and if felt necessary will bring a revised code to the Sub-Committee for consideration at a future date.

- 5.9 CCTV – the requirements for CCTV have been removed. The need for further guidance on CCTV systems will be reviewed in consultation with the trade.
- 5.10 Of major concern to the trade was the policy on convictions for use of hand held devices whilst driving (Appendix 3a point 11). There is a fear that drivers will be convicted of an offence for using their PDA in the course of acting as a licensed driver and risk revocation of their licence. The comments of the NPHTA are noted and the intention of the proposed amendment to this section balances the serious view to be taken of driving and talking/otherwise using a device in your hand with the acceptance that drivers may find themselves with such a conviction in circumstances that might not merit revocation of their licence.
- 5.11 Vehicle specification and exceptional quality policy – no amendments are currently proposed, however it is accepted that these appendices will benefit from a full review bearing in mind the comments made by the NPHTA. The appendices will remain in place for the time being whilst officers conduct the review. Proposals for update will be brought to a future meeting as soon as possible.
- 5.12 Does the information submitted include any exempt information? No

6.0 List of Appendices:

Appendix 3a – Consultation responses
Appendix 3b – proposed policy with tracked changes
Appendix 3c – proposed policy without tracked changes.

7.0 Legal considerations:

7.1 There are no legal considerations.

8.0 Human Resources considerations:

8.1 None.

9.0 Equalities considerations:

9.1 None.

10.0 Financial considerations:

10.1 None.

11.0 Risk management considerations:

11.1 None.

12.0 Ethical considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 A period of consultation started in July 2022 and ended on 16 September 2022.

14.0 Background papers:

14.1 [Statutory Taxi and Private Hire Vehicle Standards](#) (Department for Transport).

BLTOA**Blackpool Licensed Taxi Operators Association***Representing the taxi trade in the Blackpool Area**Members of the National Taxi Association and National Taxi Trades Group*

Lynn Williams – Blackpool
Council Leader

John Blackledge –
Director of Blackpool
Council

Date: 15/08/2022

Taxi & PH Draft Policy Consultation Outcomes

Dear Mr Blackledge & Mrs Williams

After multiple consultation meetings with the council over the last 12 months, the long-awaited New Taxi & PH Draft Policy has been published for consultation. It seems clear to us that the policy needs more work before being presented to the PPC for final sign off.

We are taking this opportunity without prejudice to express our disappointment and concerns that many of the topics discussed and verbally agreed at the consultation meetings have been disregarded, resulting in the council's integrity being seriously eroded, and explains why the trades' view of the council's credibility and transparency is low.

Credibility and Transparency Failures

The new policy has the potential to redress the balance of the negative view the trade has about the council, and the following explains why:

Our on-going investigation without prejudice into the financial management of the licensing fees and other associated areas is still at stage 1, but has already highlighted potential unlawful activity, and incompetence within the governance and line management of key personnel, 3 examples:

1. The PPC have been setting licensing fees unlawfully due to the practice of accounting for the fees using 1970's systems, cross funding is still ongoing, and we suspect fees have been used to fund areas outside of taxi operations.

2. The council governance procedures have not identified the above for the last 30 years, and key senior management who are responsible to maintain up to date operating practices and ensure the council is working within the laws, have clearly failed over a long period.
3. The taxi school contracts department appears to have been awarding contracts without an open and transparent tender and bidding system for a long time. A closed shop was created, and one operator has benefited extremely well to the detriment of the whole taxi trade in Blackpool, no governance appears to have happened.
4. We have heard nothing from the council about key personnel being demoted or removed from position etc. We hear a lot about the council's governance system, but it clearly has not worked in these examples.

Draft Taxi & PH Policy

The policy has been written as if much of the last 12 months consultation didn't happen, the new policy is the council's opportunity to apply some clarity, remove archaic practices, and apply modern day management systems. That would deliver confidence from the trade in the council's management of the Taxi & PH industry, it would also produce a professionalised approach to enforcement activity and remove most of the subjectivity that's been allowed to undermine and penalise the trade.

Examples:

5. Intentional deceptive text within the policy. 1 Pit & 1 MOT is written in the policy, that is deceiving the trade, the policy fails to mention during a PPC meeting it was decided that the CVMU will be conducting the MOTs. That's disingenuous and unacceptable, the trade expects a professional and transparent approach, clearly that's not happened. It was openly discussed during the past consultation meetings and no mention of the CVMU conducting MOTs.

A point of note: One member of the licensing team did state his objection to the MOTs, he stated the MOT testing stations cannot be trusted because the trade are friends of the staff at the garages. This view is hopefully a personal view that Government licensed testing stations are acting in a fraudulent manner and cannot be trusted. But this view seems to have misdirected the draft policy.

6. Enforcement Officer Activity. Currently, outdated subjectivity-based procedures are being used, the new policy was the council's opportunity and obligation to professionalise enforcement activity. There is no mention of it within the policy, enforcement simply rely on sweeping statements taken from an outdated 1976 Miscellaneous Act and that is unacceptable for modern day management. This was agreed by head of licensing and senior council management during consultation meetings.

Confidential

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No other council department is working off a document dated 1976, there will be new policy and points will have been extrapolated from old regulation/policy and brought into modern day management standards of practice. It begs the question, why has the 1976 Bye-laws not been updated?

A written policy and procedures detailing all action is required, that will send a clear message to the trade, and ensure both parties know what and how enforcement will be delivered and recorded. This action has been agreed at a senior level within the Council but has not been delivered.

7. CVMU vehicle testing. The new policy has failed and missed the opportunity to create confidence in the CVMU activity. The subjectivity that has been allowed to embed itself is unacceptable, what passes at 10am, will be a failure at 11am, or an advisory at 12pm. A simple solution to this problem is to produce what was discussed and agreed at the consultation meetings, a detailed check list that both parties will be able to use, that will assist the trade in preparation and the CVMU in sticking to a set standard. There has been poor management at the CVMU for years, with an unofficial approach of creating further revenue with re-test fees, and that needs addressing.
8. Five-year ban for mobile phone use. The trade would like to know promptly, does this policy apply to all council workers, will the head of licensing be sacked if caught for the same offence. Will Bus drivers, Tram drivers and horse drawn carriage drivers also be subject to this penalty, are the police, fire service and ambulance drivers subject to the same policy?
It appears, the Taxi trade has been singled out and being penalised to an extreme level.

Summary

BLTOA were expecting the new policy to remove archaic systems and produce clarity on what have been contentious areas for decades and allowed subjectivity to rule the day, currently the integrity of the council has been compromised. What has been discussed at consultation meetings has been disregarded; and it's that point that concerns the trade, as we feel no matter what is contained within the trades responses to the new policy, it will be ignored, and the current Draft Policy is the actual finished article.

We are looking forward to your response to this letter.

Regards

Dean James – BLTOA Chairman for BLTOA M.embers

John Cutler (Without Prejudice) – Owner and Manager of Premier Taxis



www.nphta.co.uk

Blackpool consultation august 2022

Within this document, we will copy and paste sections that we feel are in need of a response, or raise concerns for members locally, and in some cases, may be nationally, the sections will be in **black text**, with any key wording **highlighted**, comments below will be in **blue text**. And where amendments are suggested, they will be in **green text**. This approach is taken purely for simplicity and to make the comments much easier to follow and differentiate from the original online document.

There may be quotes and comments made within the document too, which will be in italics, and we may use reference points such as articles where such matters as we come across them have already been publicised and discussed elsewhere.

Comments are written by David Lawrie (DL) and Steven Toy (ST)

g. Child Sexual Exploitation and Abuse

please re name as “safeguarding”

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.

This may be nothing more than an assumption or opinion, in reality, it is also equally possible that there is no risk at all.

Suggest amending to read “**where there may be**”

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.

This is written as if it is optional for the council, where in reality it is now mandated in order to comply with the new safeguarding act from Peter Gibson MP that became an act of legislation this year.

Suggest this is amended to reflect this by stating “Blackpool council is duty bound to use the NR3 database.”

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.

Who to please? Is this shared with drivers in order to support their safeguarding role? Not clear what this actually means, please re write to make it clear. (DL)

Indeed, let us not presume the licensed driver, deemed a fit and proper person to be a risk in themselves. They have a role to play in identifying when a child or other vulnerable person is at risk. (ST)

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.

Agreed, but the same can be said about compliments or comments, we as a national stakeholder are very clear on the subliminal messaging used here to suggest that the only thing that matters, is when a driver does something wrong, which is worthy of complaint, we have pages and pages of “unsung heroes” published monthly in the national publication which is www.phtm.co.uk.

Suggest an amendment to simply change the word “complaint” to “compliment” or “comment” or even “feedback,” all of which are just as effectively as forms of establishing patterns of behaviour.

Indeed, the role of the regulator is not to reinforce or create negative perceptions of the trade on the part of public. Fostering public confidence in accessing the services provided by licensed drivers and vehicles is in the public interest. The role of the regulator is to protect the public and not make them fearful. The travelling public should be encouraged to share positive experiences for this also informs licensing and policy decisions. Naturally, the authority exists to take action in the event of drivers, vehicles or operators failing to meet the standards reasonably expected of them. (ST)

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.

This seems quite a short period of time when, compared to most other licensing authorities, most stipulate 6 months, not just 3 months. 3 months is simply a long holiday for those lucky enough to be able to afford the time off.

Indeed, six months is the recommended norm. There should not be a competition between licensing authorities for how draconian their policies can be in order to be *seen* to protect the public (as opposed to taking more meaningful, proportionate, and effective approaches). Gesture politics is to be avoided. (ST).

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

Whilst we have no direct objection to the main context here, in fact it is in keeping with the duties and burdens placed on the committee, our concern, and one of my personal pet hates here is the use of the derogatory and defamatory implication made by use of the name “public protection” since it implies that indeed the public need protecting from the rogues, misfits and deviants that are license holders, when the truth is two-fold, firstly, all drivers are DBS cleared and perform the role of protecting the public, ensuring they can travel safely, and get home safely from a night out, and secondly, the licensees are also entitled to protection FROM the public.

With this in mind, considering the fact that public perception is of huge importance here, and since we are at consultation stage here to make changes for the better, can we please re name the department and committee to the “licensing and regulatory...,” or “licensing and enforcement...”

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.

Agreed, however, once the driver has verified that he or she is a fit and proper person, then he or she remains fit and proper until and unless an offence is committed, a significant breach of licensing conditions has occurred or there is a reasonable cause to suspend, revoke or refuse to renew their licence. There is no “must” about this, suggest a re-phrase to “it is expected that a driver shall” remain a fit and proper person. (DL)

This is not an unreasonable expectation as most drivers do remain fit and proper persons! (ST)

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.

All decisions must be evidence based and not on opinion alone, (regulators code 2014) (DL)

This statement has been cited in court on occasion but we must remind ourselves that due emphasis must be placed on "Without prejudice and on the information before you..."

The decision, whilst based on a lower bar of burden of proof - the balance of probabilities, rather than beyond all reasonable doubt, must still be evidence based. It cannot be based on hunches, gut feeling, 'sixth sense' or any subjectivity or prejudice. (ST)

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)

This is welcomed, as it is actually following the spirit of the update service.

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.

Confusing, the certificate is only required IF there is a conviction? How would you know it has arrived? Suggest removing the highlighted part, just leaving “the applicant is required to produce”

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.

Suggest amending this to actually encourage applicants to subscribe, on the basis that once subscribed, the clearance is not only transferable, but also lasts for life, or until a change takes place such as an offence committed, or a change of address (provided the £13 per year subscription is maintained, which then also makes it far less expensive than having to perform a new full DBS application every 6 months.

Signing up to the live update service could be made a requirement, for it enables licensing authorities to make more frequent checks as required by the DfT Statutory Standards 2020 document. (ST)

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

Whilst we have no direct objection to this, in fact it has become the national standard for licensing purposes of the last few years, we would suggest a slight amendment, merely for grammatical accuracy to show “we are of the opinion,” or “we consider,” as opposed to “it is the appropriate standard” since whilst we understand the logic used here, the fact still remains that a group 2 medical is indeed for driving lorries and buses. (DL)

There are obvious PR advantages to the trade if the standards required of us are aligned with those for lorry and bus drivers. (ST)

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.

This is one we come across quite often, and with the greatest respect, if a driver is medically exempt, they are exempt with or without council approval, there is no “if” about this, which means that “if the application is successful” should be removed so it might be better to say: “should notify the council, they will be issued with an exemption certificate to avoid public confusion.”

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.

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.

This part is welcomed, as we do see many local authorities that for some odd reason, apply this to all new and renewals, a requirement which we are relieved we do not need to argue here, thank you. (DL)

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.

This is welcomed, more so the fact that when the new scheme is developed, it will be new applicants only.

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...

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.

Ok, three issues here, which are actually extremely severe

1. Who in the world wants to be trained on how to sexually exploit a child!!!....include the wording within the safeguarding scheme by all means, but not as a main header!! This is in the public domain, the public perception of such terminology is always to cast aspersions on the entire industry. Please use “safeguarding” as your focal point here.
2. An individual cannot and must not EVER be considered to be complicit in any criminal offence, simply by not spotting the warning signs, that is wrong on so many levels and could lead to the council having action taken against them for defamation, that is a very severe and damning statement and assumption to make.
3. Why does this apply to existing license holders? And does this suggest that every single driver will have to repeat the same course every time they renew their licence? Please make this for new applicants only, as with the basic skills test, NVQ and local knowledge test. (DL)

All drivers, new and existing should undergo safeguarding training. However, it should not be a condition of licence renewal. They should merely be required to attend courses organised on their behalf with a number of scheduled sessions in order to capture all drivers including those who may be absent through sickness or holiday at any given time. The costs of such training sessions should also be met by the LA for existing drivers. (ST)

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.

That is a long-winded way of stating that an unmet demand survey is carried out as per regulations.

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.

This is a topic of discussion that is vital, even more important for the trade to be deeply involved in this, the reason for this is that moving forward, with the push for hybrid and electric vehicles around the corner, there will be very limited vehicles available.

The reason for this is that the location of the batteries in vehicles will create “no drill zones” in the vehicle flooring, which means vehicles will not be able to be converted, additionally, due to the weight of the batteries, the vehicles will already be on the limit for the maximum axle weights, meaning again that vehicles will not be able to take the additional weight of conversion factors and wheel chairs, this is going to become a huge problem nationally in the very near future.

*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.

The committee need to be reminded of section 50 of the LGMPA 1976, which stipulates that a licensed vehicle may NOT be subjected to any more than 3 vehicle inspections within any rolling 12-month period. (DL)

Insisting on three scheduled tests effectively removes the scope for ad-hoc tests as permitted by section 50 in the event of concerns regarding vehicle condition being raised, given the absolute maximum of 3 permitted. The Council should be mindful of this and require only two scheduled tests per year to allow for a third, unscheduled one if required. (ST)

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 minibuses, 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”

The word “cab” is missing here since that is also a word which may not be displayed on any private hire vehicle as it implies that the vehicle is a Hackney Carriage.

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

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

So many issues here, what does this policy assume an "appropriate CCTV system to be?

Since data must be stored away from public access, this rules out dashcams (which is a good thing, since they are not "appropriate" or fit for purpose)

What about the audio regulations?

What is "approved by the council" and are the council trained on this subject in order to make such approvals?

When the condition states "whilst the vehicle is in use" this is in breach of ICO regulations relating to "right to a private life" this section should include the wording "being used for licensed purposes"

Since the data can only be accessed by the council or police, this suggests the council is the data controller (as it would be if the requirement was mandatory) but then undermines that role by stating "unless the vehicle license holder or the licensed driver is registered" this is very ambiguous and uncertain.

This whole section needs a complete overhaul.

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

It states “must” not “should.” Compliance is not optional.

- Carry out their activities in a way that supports those they regulate to comply and
- 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

Regarding the engagement, section 2.1 states “the regulator must actively engage with those they regulate, and those that represent them.

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.

The whole element of “as a result of an allegation having been made against them” seems to be missing here, with an assumption made that an offence has definitely been committed! Many allegations are false, unfounded, and unwarranted, so there is an assumption of guilt made here, the committee hearing is the opportunity for the accused to put forward his or her version of events, and for the committee to consider the matter accordingly, otherwise referred to as the right to a fair hearing under ECHR Article Six.

Appendix A - Taxi and PHV Licensing Criminal Convictions’ Policy.

9. Motoring convictions

- Hackney carriage and private hire drivers are professional drivers charged with the responsibility of 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.
- 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

we are grateful for the recognition that driving offences can often occur unintentionally, we hope that this pragmatic and supportive stance is carried through to the decision-making levels. (DL)

Licensed drivers should not face discrimination in this regard through the proposal of a more draconian policy which would mean a driver losing their driver's licence upon accruing fewer points on their DVLA licence than a lorry or bus driver would and for a longer duration. (Bus and lorry drivers face losing their licences for one year upon accruing 12 points.)

The licensing authority would need to demonstrate that a licensed driver with, say, seven or more points would pose a greater risk to public safety than a bus or lorry driver with the same number of points. This would be extraordinarily difficult given that the public safety burden is surely greater when driving a bus carrying up to 73 passengers or a lorry up to 44 tonnes in weight.

The closer contact a licensed HC/PH driver may have with members of the public, given that minor endorsable motoring convictions do not show on a DBS check, is irrelevant.

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 drug.

Please insert “f” to make “case of driving under the influence”

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

Now this one is a little more contentious, since we are aware of the recent change to the legislation on this subject, and more aware of the misinformation being spread about as to what this change actually means.

Many seem to think that this means not touching a securely mounted device at all, which is simply not the case, the term is “hand-held” which simply put means, if it is not “held” in the drivers’ “hand” then it is not an offence at all, in much the same way as changing gears, since whilst changing gears, the gear stick is “hand-held”

In real terms, the change in legislation only actually rolled out the use of such devices, since prior to the change, it was only an offence to make or receive a call using such “hand-held devices”, the change in real terms, simply adds any activity, such as taking pictures, or using the internet for example, which were previously not classed as being an offence.

With this in mind, we feel it is vital that each case is assessed on its own merits, with far more detail being sought about the incident before any rash decisions are made, this requirement is necessary simply because in many cases, a driver may be convicted by the roadside by way of fixed penalty notice issued by an over zealous police officer, and may have not actually been “hand held” at all.

Licensed HC/PH drivers should only face revocation of their licence on the second such conviction in line with bus and lorry drivers. Again, proportionality

and potential discriminatory approaches are issues here which send out the wrong message to the public and undermine their perception of us. (ST)

14. Cautions

- Admission of guilt is required before a caution can be given. 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.

That's very clear and simple, much appreciated.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

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

Clothed? Surely this means "covered"? although the rest of the code is quite flexible compared to some we have seen

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.

With the greatest of respect, that leaves this wide open to interpretation and abuse, personal opinions cannot come into it at all, it is either within the policy, or it is not. (DL)

Licensing authorities are duty-bound to exercise discretion when enforcing licensing policy. Each individual case is to be considered on its own merits; discretion cannot be fettered by policy (ST)

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

Surely this applies to all passengers, not just vulnerable ones, as it is, as stated, in the licensing conditions. (DL)

Passengers cannot be required to carry photo ID! (ST)

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.

See reference to licensing conditions/ bylaws above, the photo id must be worn and visible, there is no justification to go above and beyond this requirement. (DL)

This requirement is set out in Section 54 (2) of the 1976 Act. Badges are to be worn in a manner as to be plainly and distinctly visible, but this does not mean that the badge needs to be seen by passengers travelling in the vehicle. The ID only needs to be visible by passengers approaching the vehicle. An ID badge can therefore be attached to a lanyard or be clipped to the front of an outer garment (shirt, jumper or jacket).

If badges are expressly required to be visible while passengers are travelling within the vehicle this could lead to data protection/privacy issues if, for example, passengers take photos of the ID during the journey and share them on social media.

Armbands would therefore be inappropriate unlike for security personnel at venues who tend to wear uniforms, given that this would restrict what a driver could wear like a short-sleeved shirt in warm weather. (ST).

If necessary you should obtain a record of the carer's contact details if there is no chaperone.

Not sure how this would ever be necessary, this assumes there is a carer? Which is far from being the case in most scenarios, besides which, this would be the burden on the carer, or possibly, the operator, not the driver. (DL)

If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.

This would be an operator burden, and one would assume that information for example would be "sorry but we have nothing available."

For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption **granted by the Council**.

A medical exemption means just that, they are medically exempt, should the council fail to provide confirmation of the same, this would not render the driver anything less than being "medically exempt"

Always ask if a vulnerable person needs help do not assume

Suggest adjustment here, instead of "ask" maybe use "assess," for example, when collected a vulnerable person with no legs or arms, "asking" if assistance is needed would make the driver look rather ridiculous and silly. (DL)

Respect for the dignity of travelling passengers with disabilities is paramount. Drivers should not provide assistance which requires physical contact without the agreement of the passenger. Drivers should therefore ask or wait to be asked, before providing such assistance, common sense notwithstanding. (ST)

Drivers should remain professional **at all times** and should not:

Correct, at all times, not just when providing transport to vulnerable passengers. (DL)

"...at all times when acting in accordance with the driver's licence..." (ST)

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

Does this only apply to vulnerable passengers? Or does this actually form part of the safeguarding course for all passengers?

This entire section seems to be a little discriminatory, surely all drivers and operators should behave in such a manner for all passengers.

Keeping a log would, in itself, place an onerous and unnecessary burden upon drivers. Assessing whether a passenger is vulnerable or not is also burdensome and difficult to determine. Vulnerability isn't always immediately obvious given that it is actually a rather nebulous term. Like disability, it is sometimes hidden, for example, if a passenger has mental health issues like anxiety which is usually not obvious to any outsider.

All passengers should therefore be afforded respect and dignity, which, of course, works both ways... (ST)

Appendix F - Vehicle Specification

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.

This entire section could benefit from a re-write, one part states "must be illuminated" where another part suggests "where it is illuminated" which is it? It must be, or where it is?

Must be centrally mounted, is not always possible for vehicles with a panoramic, or aluminium roof.

Not sure why magnetic mountings are not considered to be a secure mounting, or how it is suitable to suggest drilling a hole into a roof of a vehicle in order to satisfy such a licensing desire. (DL)

Such "licensing desire" definitely fails the 'reasonably necessary' test as outlined in section 47 of the 1976 Act. This section is the provision for licensing authorities to attach conditions to the licensing of Hackney Carriage vehicles. The same section also establishes the right of appeal against onerous conditions failing the above 'reasonably necessary' test.

Furthermore, the Regulators' Code 2014 requires all licensing policy to be evidence based. The requirement for the roof sign to be bolted, clamped or strapped instead of attached by magnetic mounts would require extraordinary evidence indeed that it is unsuitable, given that such practice of using magnetic mounts is widespread across the country. Magnetic mounting is more than adequately secure in use, but it does allow the driver or proprietor to remove the sign, perhaps when the vehicle is parked to prevent vandalism or theft (unfortunately, licensed vehicles are often targeted in this way) or

otherwise when the vehicle is being used for social and domestic purposes. The driver may wish to make it clear to the travelling public that the vehicle, whilst still licensed as a Hackney Carriage is currently not available, just as a bus, whilst it is still a bus, is not available because the sign is displaying the message "not in service" rather than a route number and destination.

Many licensing authorities have inaccurately interpreted the meaning of *Yates v Gates* 1970, preferring instead to repeat the 'Chinese whisper,' "once a taxi; always a taxi."

The above case law determines that the driver of a Hackney Carriage must hold a licence issued by the relevant authority to do so, regardless of how the vehicle is being used.

It also states that the licensing status is not altered by switching the illuminated roof sign on or off. Therefore, it would not be reasonable for licensing authorities to require the roof sign to be permanently fixed as the licensing status of the vehicle would be unaffected by the absence of such sign. It would be reasonable for them to require the sign to be attached to the roof (anywhere it is plainly visible to members of the public) when the vehicle is being used for hire and reward. Otherwise allowing the removal of the sign acts in the interests of public safety by reducing the risk of vandalism or the vehicle being 'flagged down' when unavailable for hire and reward.

Permanent fixing, especially through the use of bolts, is likely to cause structural damage, void the corrosion warranty and significantly reduce the resale value of the vehicle. Surely the Council would wish to facilitate the replacement of licensed vehicles in a timely manner by making it more affordable to do so.

Such a licensing condition not only fails the 'reasonably necessary' test set out in Section 47 but clearly verges on vindictiveness.

(I successfully appealed a similar condition in the Crown Court in 2015 - ST)

Appendix G – Exceptional Quality Policy

This entire section does not read as anything exceptional at all, in fact it goes below normal standards, an MOT fail, is a failure, not a fault, not sure why seats cannot be upgraded to have leather coverings? (DL)

The 'reasonably necessary' test is the caveat attached to the Provisions in sections 47 and 48 of the 1976 Act. Licensing authorities ignore this test at their peril, given the right of appeal (also outlined in the above sections). Appeal cases against potentially onerous conditions in the courts (from Magistrates' Court upwards) are essentially won and lost on this test, especially as it is further underscored by the requirement for evidence-based policy as outlined in the Regulators' Code 2014.

Regulatory authorities need a firm grasp on the conceptual difference between 'subjectively desirable [on their part]' and 'reasonably necessary' as determined in primary legislation. (ST)

From: Anthony Greenwood
Sent: 06 September 2022 19:44
To: Licensing
Subject: PROPOSED DRAFT POLICY

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MR.

ANTHONY GREENWOOD

, AS A LICENSED HACKNEY PROPRIETOR OF A SMALL FLEET OF LONDON TAXIS, AND A GARAGE OWNER FOR 24 YEARS, I HAVE TO EXPRESS MY LACK OF COMPREHENSION, AND SURPRISE AT, AT LEAST ONE OF THE PROPOSALS BEING PUT FORWARD. YOUR PLAN TO SCRAP THE 14 YEAR EXCEPTIONAL QUALITY RULE MUST SURELY BE A STEP BACKWARDS FOR BLACKPOOL? FROM WHAT I AM LED TO BELIEVE,(TO SPEAK HYPOTHETICALLY), A BEAUTIFUL, ONE - OWNER, PURPOSE BUILT TAXI, WHICH HAS SPENT ITS FIRST 14 YEARS, (THEY ARE BUILT LAST 20) POTTERING STEADILY AROUND THE STREETS OF ENGLAND'S CAPITAL CITY, CARRYING LORDS AND LADIES, MP'S ETC, TO AND FROM THEIR DESTINATION, WILL NOT BE ALLOWED INTO BLACKPOOL? ALSO , I UNDERSTAND THAT A TAXI OF ANY AGE WILL BE ALLOWED TO CONTINUE WORKING IN THE TOWN, DESPITE ONLY BEING SUBJECTED TO ONE "PROPER" TEST EVERY 12 MONTHS AT LAYTON DEPOT, SURELY THIS IDEA CAN ONLY LEAD TO AN ABUSE OF THE SYSTEM? AN ORDINARY CAR MOT CAN HARDLY BE CALLED A THOROUGH EXAMINATION OF A PUBLIC SERVICE VEHICLE, ALSO, ONE CAN ONLY WONDER WHAT KIND OF STATE THE BODYWORK, AND INTERIORS OF THESE VEHICLES WILL GET INTO, IF ONLY SEEN AT LAYTON ONCE A YEAR. THIS PLAN WILL ALSO FORCE TAXI OWNERS TO SOURCE THEIR REPLACEMENT TAXIS FROM CITIES THAT ARE KNOWN FOR KEEPING COMPARATIVELY ROUGH VEHICLES, EG; GLASGOW, LIVERPOOL, JUST SO THEY CAN GET INSIDE THE 14 YEAR "CUT OFF POINT", THIS HAS BEEN TRIED IN THE PAST, THE VEHICLES MAY BE CHEAPER, BUT THEY DON'T COME CLOSE TO A CAB FROM LONDON.

I AM WELL AWARE THAT A DEMOCRATIC VOTE WILL BE TAKEN TO DECIDE THE PROPOSALS IN THIS DRAFT POLICY, BUT I HOPE THAT MY VIEWPOINT WILL BE GIVEN SOME CONSIDERATION, AS THE SAYING GOES, "IF IT AIN'T BROKE, DON'T FIX IT"
YOURS SINCERELY

ANTHONY GREENWOOD.

From: Anthony Greenwood
Sent: 12 September 2022 21:40
To: Licensing
Subject: DRAFT PROPOSAL #2

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MR. ANTHONY
GREENWOOD

DEAR SIR/MADAM,

IF I MAY MAKE A SMALL ADDITION TO MY INITIAL CORRESPONDENCE:

, HAD

TO BE TAKEN OUT OF SERVICE, AND NEEDED AMONGST OTHER OPTIONS, TO BE REPLACED WITH ONE OF THE NEW ELECTRIC/ HYBRID TAXIS, , SOME OWNER / OPERATORS ARE GIVEN THE OPPORTUNITY TO "RE PLATE" THEIR VEHICLE, JUST BEFORE IT'S 12TH BIRTHDAY, FOR AN EXTRA YEAR, THUS ENABLING THE TAXI, TO CONTINUE WORKING IN THE CAPIITAL. IN ADDITION TO THIS, UNDER CERTAIN CIRCUMSTANCES, IT IS POSSIBLE FOR SOME OWNER/ DRIVERS, PARTICULARLY THOSE WHO ARE APPROACHING RETIREMENT AGE, TO QUALIFY FOR A FURTHER 12 MONTH EXTENTION, COURTESY OF TFL (TRANSPORT FOR LONDON).

THESE 14 YEAR OLD TAXIS HAVE PROVED TO HAVE PLAYED A VITAL ROLE IN QUALIFYING FOR BLACKPOOL COUNCIL'S EXCEPTIONAL QUALITY POLICY, NOT ONLY FOR THEIR WHEELCHAIR ACCESSABILITY, BUT ALSO FOR DRIVERS, (PARTICULARLY NIGHT DRIVERS, WHO ARE BECOMING INCREASINGLY DIFFICULT TO REPLACE.)

I CAN ONLY URGE THE COUNCIL, IN THE INTEREST OF PUBLIC SAFETY, AND THE CONTINUED HIGH QUALITY OF LICENSED TAXIS WHICH SERVICE BLACKPOOL, TO SERIOUSLY RECONSIDER THE PROPOSAL TO REFUSE TO LICENCE A TAXI OVER 14, HOW CAN A 14 YEAR OLD TAXI FROM LONDON, NOT BE CLASSED AS "FIT FOR PURPOSE", WHEN ONE THAT, IF THE PROPOSED POLICY GOES AHEAD, COULD BE STILL WORKING AT TWENTY? I

I STRONGLY FEEL THAT THIS IS COMPLETELY BAD TIMING, WE ARE JUST EMERGING FROM TWO DISRUPTIVE YEARS OF COVID,AND WE, AS WELL AS THE FARE PAYING CUSTOMERS THAT RIDE IN OUR TAXIS, COULD WELL BE FACING MORE HARDSHIP IN THE COMING MONTHS,

THE COSTS INVOLVED IN RUNNING AND MAINTAINING THESE CABS , THE LAST THING WE NEED NOW IS DISRUPTION TO A WELL RUN PUBLIC TRANSPORT SYSTEM

regards

A. GREENWOOD.

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From: allentibble
Sent: 08 September 2022 19:41
To: Licensing
Subject: Hackney Carriage and Private Policy Consultation

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I have seen and fully digested the BLTOA response to the above consultation, which I FULLY AGREE with all its content.

Yours etc.

Allen Tibble
(Hackney Proprietor)

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From: david69norton
Sent: 07 September 2022 16:55
To: Licensing
Subject: DRAFT TAXI POLICY DOCUMENT

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I have seen BLTOA's response to the proposed document and I fully agree with the points they make

David Norton

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From: Jay's Sonic channel
Sent: 06 September 2022 23:40
To: Licensing
Subject: Blota

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Hi I have seen the Blota response and I agree with it,
Kind regards james bradley

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From: Ron Strangwick
Sent: 06 September 2022 18:34
To: Licensing
Subject: Taxi Enforcement protocol

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Dear Sir/ Madam

Having read the comments by Blota regarding the recent Taxi Enforcement Protocol

I find I cannot enlarge on the excellent response by Bill Lewtas at Blota and concur with all that Blota has stated

Kind regards

Ron Strangwick

Sent from my Galaxy

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From: steve.hay
Sent: 06 September 2022 18:22
To: Licensing
Subject: Enforcement protocol

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I have seen the BLOTA response and that I agree with it .Thanks Steve Hay

Sent from my Galaxy

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From: Tracy Whittingham
Sent: 05 September 2022 23:08
To: Licensing
Subject: Re: Ryan, Sharon

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Now John and I have looked at the draft policy 7.3 the maximum age of vehicles/exceptional quality. Firstly these vehicles are often 14 years when the finish in London depending on when they are licensed and often granted one year extension in addition, which will restrict the supply of these vehicles. We would question why a ex London taxi usually one owner purpose built affordable wheelchair accessible vehicle that is 14 years old could not be put on, some of them are better than ten years old vehicles that have worked other cities. This will inevitably cause hardship to operator's in the trade and impact on the drivers which we are desperately short of and likely to put off newcomers to the trade. Please take in consideration with the way things are going with the economy the timing for this could not be worse.

John and I were quite happy with the way things were I.e. three council tests for exceptional quality vehicles.

With thanks

John Nicholson, Tracy Whittingham

On 31 Aug 2022, at 18:41, Tracy Whittingham wrote:
Begin forwarded message:

From: Tracy Whittingham
Date: 31 August 2022 at 18:40:10 BST
To: Licencing <licensing@blackpool.gov.uk>
Subject: Ryan, Sharon

Can someone explain to Johnny Nick and I about the changes to the exceptional quality policy. We can't comment on the policy changes until we have clarification as we have heard rumours that there is going to be an age limit and that will affect the amount of affordable wheelchair accessible vehicles . The policy as is enables wheelchair accessible vehicles to be purchased at a affordable price.
Regards

Tracy Whittingham and John Nicholson

From: Tony Gledhill
Sent: 05 September 2022 13:21
To: Licensing
Subject: Draft Licensing Policy - Response Points

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Good afternoon licensing,

Ref: New Draft Licensing Policy Consultation Response:

1. The 1 MOT & 1 Pit Test plan is excellent, and the MOTs must be taken at any garage of the owners choice.
2. On street enforcement operations must be professionalised and the procedures detailed within the new licensing policy, explaining all action from start to finish, giving examples of what can be rectified by the driver there and then and what requires further action etc. A simple check sheet with names and comments from both parties, then signed by both parties and a copy to the driver.
3. CVMU vehicle examination check list. The CVMU requires a detailed check list when carrying out the test, explaining what is a fail and what is a fault, etc etc. Currently the procedure is driven by subjectivity due to the generalised check sheet with no details explaining what constitutes a fail or a pass.
4. 5 year ban for mobile phone use. This penalty is draconian, the penalty was added to the DFT Child Exploitation document that's been recently published as guidance for LA's, its out of context within a standard licensing policy. If the council had credible data showing the PH & Taxi trade are having big problems with RTAs due to mobile phone use in Blackpool, then introducing such a penalty would be seen as a credible option within Blackpool, but there is no such problem to fix in the first place.

Regards
Tony Gledhill

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From: Adam Shiers
Sent: 04 September 2022 21:28
To: Licensing
Subject: Hackney Carriage and private hire licensing policy

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To whom it may concern.

After having a read through the latest proposals. There are a couple of things at least that give me cause for concern.

First the five year suspension for mobile phone use. Now I'm not condoning it and it definitely should be punishable which it already is. But is this not too harsh? Is this across the board with all council employees?

Point no 2 is the age limit of vehicles. Whilst I appreciate it that we have to move forward regarding emissions ect. How will this address this. Surely a vehicle regardless of age that passes your "exceptional conditions" test is fit for purpose?

I've personally never had a problem using the council testing station in over 30 years as a licence holder. I think it would be more detrimental to go down the MOT anywhere route. I have full confidence that when my vehicle is tested at Layton it's fit for purpose. In the current climate with a recession looming and money tight forcing a age limit seems unnecessary. I can only see this being detrimental to the trade...as in more people moving to saloon type vehicles as much cheaper to buy and run. I've personally always had purpose built/wheelchair accessible vehicles. But can see this changing if forced to buy unaffordable vehicle. As someone who drives myself I know the lifespan of a taxi here in Blackpool. The abuse and disrespect of a evening can take it's toll on them, regardless of age.

I hope you'll consider what I think and appreciate your time.

Adam Shiers

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From: Stephen Moore
Sent: 24 August 2022 09:32
To: Licensing
Subject: Consultation Draft Hackney Carriage and Private Hire Licensing Policy

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May I firstly thank the Council for affording me the opportunity to be part of the consultation process on the above Draft (Stephen Moore Hackney Badge Holder)

I am concerned that the Policy in its aims and objectives sets out the *principle purpose of hackney carriage and private hire licensing is to protect the public and promote public safety* but does not include its obligation to those it seeks to regulate

For your consideration to be read with the Draft:

2 AIMS AND OBJECTIVES

At para 1 to read “ *The principal purpose of hackney carriage and private hire licensing is to protect the public, and promote public safety through good practice of those it regulates*”

3 GATHERING AND SHARING OF INFORMATION

COMPLAINTS AGAINST LICENCE HOLDERS

The removal of the word “*robust*” to be replaced with the words “*fair and responsible*”

5 DELEGATION

in regards the use of either the Chairman or Vice Chairman in cases of immediate revocation the person used does not sit on the appeals process as this would blur “ *... a clear distinction between the investigator and decision*” with reference to the requirement found in **4 DECISION MAKING**

6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Regarding the **Fit and Proper Persons Test** the Council is totally accurate to use the obiter it refers to. However, I suggest, this would be abandoned with the introduction of 50/50 approach to new applicants. Either the applicant has or has not met the balance of probability and at 50% has and should be given the benefit of the doubt prescribed by law

No suspension of the requirement of a NVQ as part of CUSTOMER SERVICE TRAINING as this would go totally against the *principle purpose to protect the public and promote public safety*

8 OPERATORS

Para 1 to read “... *who holds a private hire driver’s licence and such a person has passed the Council’s three tests of knowledge, customer service and safe guarding*”. Otherwise. the *principal purpose to protect* (above) has not been met

APPENDIX A

11 USING A HAND HELD DEVICE WHILST DRIVING

I suggest an applicant would be treated to harsh if the minimum of 5 years approach was adopted. The Council uses a fitness for purpose test and should not bind its discretion

The 5 year approach it can be argued deters otherwise suitable would be licence holders at a time of shortage

APPENDIX B PRIVATE HIRE DRIVER’S LICENCE CONDITIONS

A further point could be added that taxi ranks are exclusive to hackney carriages only

APPENDIX E CODE OF CONDUCT....

It is suggested that where a person is so “intoxicated” through suspected alcohol, drug or both use carriage can be refused. If carried and the person becomes abusive, violent or unsafe to be alighted at the safe place and not to be considered vulnerable

With regards

Stephen Moore

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From: BLTOA Committee
Sent: 15 August 2022 12:28
To: (Cllr) Lynn Williams; John Blackledge
Cc: (Cllr) Amy Cross; (Cllr) Kathryn Benson; (Cllr) Neal Brookes; (Cllr) Paula Burdess; (Cllr) Gillian Campbell; (Cllr) Kim Critchley; (Cllr) Jim Hobson; (Cllr) Ivan Taylor; (Cllr) Jane Hugo; (Cllr) Adrian Hutton; (Cllr) Allan Matthews; (Cllr) Mark Smith; Licensing
Subject: New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice
Attachments: BLTOA. Licensing Policy Consultation Letter Aug 2022.pdf

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Dear Lynn Williams & John Blackledge,

Ref: Draft Licensing Policy Taxi & PH Trade.

Attached: BLTOA Letter ref draft licensing policy.

BLTOA have study the policy and it appears the last 12 months consultation has been ignored, the attached letter details some points on the deceiving text and the integrity of the Council, BLTOA and the trade are looking forward to your response.

Regards

Dean James
Chairman of BLTOA
For BLTOA Members

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Lynn Williams – Blackpool
Council Leader

John Blackledge –
Director of Blackpool
Council

Date: 15/08/2022

Taxi & PH Draft Policy Consultation Outcomes

Dear Mr Blackledge & Mrs Williams

After multiple consultation meetings with the council over the last 12 months, the long-awaited New Taxi & PH Draft Policy has been published for consultation. It seems clear to us that the policy needs more work before being presented to the PPC for final sign off.

We are taking this opportunity without prejudice to express our disappointment and concerns that many of the topics discussed and verbally agreed at the consultation meetings have been disregarded, resulting in the council's integrity being seriously eroded, and explains why the trades' view of the council's credibility and transparency is low.

Credibility and Transparency Failures

The new policy has the potential to redress the balance of the negative view the trade has about the council, and the following explains why:

Our on-going investigation without prejudice into the financial management of the licensing fees and other associated areas is still at stage 1, but has already highlighted potential unlawful activity, and incompetence within the governance and line management of key personnel, 3 examples:

1. The PPC have been setting licensing fees unlawfully due to the practice of accounting for the fees using 1970's systems, cross funding is still ongoing, and we suspect fees have been used to fund areas outside of taxi operations.

2. The council governance procedures have not identified the above for the last 30 years, and key senior management who are responsible to maintain up to date operating practices and ensure the council is working within the laws, have clearly failed over a long period.
3. The taxi school contracts department appears to have been awarding contracts without an open and transparent tender and bidding system for a long time. A closed shop was created, and one operator has benefited extremely well to the detriment of the whole taxi trade in Blackpool, no governance appears to have happened.
4. We have heard nothing from the council about key personnel being demoted or removed from position etc. We hear a lot about the council's governance system, but it clearly has not worked in these examples.

Draft Taxi & PH Policy

The policy has been written as if much of the last 12 months consultation didn't happen, the new policy is the council's opportunity to apply some clarity, remove archaic practices, and apply modern day management systems. That would deliver confidence from the trade in the council's management of the Taxi & PH industry, it would also produce a professionalised approach to enforcement activity and remove most of the subjectivity that's been allowed to undermine and penalise the trade.

Examples:

5. Intentional deceptive text within the policy. 1 Pit & 1 MOT is written in the policy, that is deceiving the trade, the policy fails to mention during a PPC meeting it was decided that the CVMU will be conducting the MOTs. That's disingenuous and unacceptable, the trade expects a professional and transparent approach, clearly that's not happened. It was openly discussed during the past consultation meetings and no mention of the CVMU conducting MOTs.

A point of note: One member of the licensing team did state his objection to the MOTs, he stated the MOT testing stations cannot be trusted because the trade are friends of the staff at the garages. This view is hopefully a personal view that Government licensed testing stations are acting in a fraudulent manner and cannot be trusted. But this view seems to have misdirected the draft policy.

6. Enforcement Officer Activity. Currently, outdated subjectivity-based procedures are being used, the new policy was the council's opportunity and obligation to professionalise enforcement activity. There is no mention of it within the policy, enforcement simply rely on sweeping statements taken from an outdated 1976 Miscellaneous Act and that is unacceptable for modern day management. This was agreed by head of licensing and senior council management during consultation meetings.

No other council department is working off a document dated 1976, there will be new policy and points will have been extrapolated from old regulation/policy and brought into modern day management standards of practice. It begs the question, why has the 1976 Bye-laws not been updated?

A written policy and procedures detailing all action is required, that will send a clear message to the trade, and ensure both parties know what and how enforcement will be delivered and recorded. This action has been agreed at a senior level within the Council but has not been delivered.

7. CVMU vehicle testing. The new policy has failed and missed the opportunity to create confidence in the CVMU activity. The subjectivity that has been allowed to embed itself is unacceptable, what passes at 10am, will be a failure at 11am, or an advisory at 12pm. A simple solution to this problem is to produce what was discussed and agreed at the consultation meetings, a detailed check list that both parties will be able to use, that will assist the trade in preparation and the CVMU in sticking to a set standard. There has been poor management at the CVMU for years, with an unofficial approach of creating further revenue with re-test fees, and that needs addressing.
8. Five-year ban for mobile phone use. The trade would like to know promptly, does this policy apply to all council workers, will the head of licensing be sacked if caught for the same offence. Will Bus drivers, Tram drivers and horse drawn carriage drivers also be subject to this penalty, are the police, fire service and ambulance drivers subject to the same policy?
It appears, the Taxi trade has been singled out and being penalised to an extreme level.

Summary

BLTOA were expecting the new policy to remove archaic systems and produce clarity on what have been contentious areas for decades and allowed subjectivity to rule the day, currently the integrity of the council has been compromised. What has been discussed at consultation meetings has been disregarded; and it's that point that concerns the trade, as we feel no matter what is contained within the trades responses to the new policy, it will be ignored, and the current Draft Policy is the actual finished article.

We are looking forward to your response to this letter.

Regards

Dean James – BLTOA Chairman for BLTOA M.embers

John Cutler (Without Prejudice) – Owner and Manager of Premier Taxis

From: Anne Powell on behalf of John Blackledge
Sent: 24 August 2022 09:30
To: BLTOA
Cc: (Cllr) Amy Cross; (Cllr) Kathryn Benson; (Cllr) Neal Brookes; (Cllr) Paula Burdess; (Cllr) Gillian Campbell; (Cllr) Kim Critchley; (Cllr) Jim Hobson; (Cllr) Ivan Taylor; (Cllr) Jane Hugo; (Cllr) Adrian Hutton; (Cllr) Allan Matthews; (Cllr) Mark Smith; Licensing; (Cllr) Lynn Williams
Subject: RE: New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice
Attachments: Statutory & Best Practice Guidance for taxi and PHV licensing authorities.pdf

Dear Mr James and Mr Cutler

Thank you for your correspondence of 15th August 2022 regarding Taxi and PH Draft Policy Consultation outcomes.

Firstly, I am disappointed that you feel the engagement myself and colleagues have had with BLTOA in particular over the last 12 months has effectively been disregarded in relation to the policy review.

Unfortunately my response is out of sync in terms of the points you raise, however I do not accept that the text within the policy is intentionally deceptive with the example being given of the vehicle inspections. The draft policy is silent as to whom will undertake these inspections. It is accepted that the report to PPC for the meeting in June 2022 does suggest that both the pit test and MOT will be undertaken at CVMU. This was a misunderstanding on behalf of the author of the report who believed at the time that this had been agreed with the trade. In any event the whole purpose of the report to PPC was to obtain approval for consultation on the policy document. No firm decisions were made at the meeting. Our current thinking on this subject if it assists, is that the annual pit test should be undertaken at CVMU, however the trade should be free to obtain an MOT from any garage that are able to offer the same. These garages are regulated by the DVSA and therefore would risk approval if they are found to be issuing pass certificates to unsuitable vehicles.

It is accepted that the enforcement protocol and pit test check lists are overdue and every effort will be made to share the same with you as soon as possible.

The five-year ban for mobile phones was raised by Mr James and Mr Lewtas recently and they were informed that the convictions policy had been revised in accordance with the statutory taxi and private hire standards issued by the Department for Transport. The standards are attached and the relevant section is highlighted in yellow on page 36. If the trade believe that this is too onerous then they need to respond accordingly to the consultation.

In terms of fees, you are aware that we are undertaking a root and branch review. Fees sit outside the policy and as you know I am clear that we need to consider our accounting and allocation processes and procedures. Legal and Finance have been considering case law and we are in dialogue with a number of other authorities in terms of making this process as robust as possible.

In relation to school transport, again this is not related to policy. The previous tender for taxi contracts was conducted in 2018 and followed a legally compliant procurement process under Public Contract Regulations, 2015. As you are aware we have reviewed the previous arrangements and introduced a new dynamic process/system, enabling providers to seek entry onto the framework throughout its life. We hope that this approach will ultimately result in a wider audience of the trade providing services and better value for money.

I hope this helps and although you may not believe this to be the case, the Cabinet Member for Enforcement, Public Safety, Highways and Transport, the Chair of Public Protection Sub-Committee, myself and colleagues have listened to various views, concerns and issues you have raised over a period of time, and we are collectively committed to trying to make appropriate changes for the good of all.

Regards
John

John Blackledge
Director of Community & Environmental Services

Blackpool Council | Number One Bickerstaffe Square | Blackpool | FY1 1NA (FY1 3AZ for Sat Nav)
Web: www.blackpool.gov.uk

From: BLTOA Committee

Sent: 15 August 2022 12:28

To: (Cllr) Lynn Williams <Lynn.Williams@blackpool.gov.uk>; John Blackledge <john.blackledge@blackpool.gov.uk>
Cc: (Cllr) Amy Cross <Amy.Cross@blackpool.gov.uk>; (Cllr) Kathryn Benson <kathryn.benson@blackpool.gov.uk>; (Cllr) Neal Brookes <neal.brookes@blackpool.gov.uk>; (Cllr) Paula Burdess <paula.burdess@blackpool.gov.uk>; (Cllr) Gillian Campbell <Gillian.Campbell@blackpool.gov.uk>; (Cllr) Kim Critchley <Kim.Critchley@blackpool.gov.uk>; (Cllr) Jim Hobson <Jim.Hobson@blackpool.gov.uk>; (Cllr) Ivan Taylor <Ivan.Taylor@blackpool.gov.uk>; (Cllr) Jane Hugo <Jane.Hugo@blackpool.gov.uk>; (Cllr) Adrian Hutton <Adrian.Hutton@blackpool.gov.uk>; (Cllr) Allan Matthews <Allan.Matthews@blackpool.gov.uk>; (Cllr) Mark Smith <Mark.Smith@blackpool.gov.uk>; Licensing <licensing@blackpool.gov.uk>

Subject: New Draft Licensing Policy Consultation - Blackpool Taxi & PH. Without Prejudice

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cyber.security@blackpool.gov.uk.

Dear Lynn Williams & John Blackledge,

Ref: Draft Licensing Policy Taxi & PH Trade.

Attached: BLTOA Letter ref draft licensing policy.

BLTOA have study the policy and it appears the last 12 months consultation has been ignored, the attached letter details some points on the deceiving text and the integrity of the Council, BLTOA and the trade are looking forward to your response.

Regards

Dean James
Chairman of BLTOA
For BLTOA Members

From: robert thornley
Sent: 18 August 2022 10:17
To: Licensing
Subject: Taxi policy

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Dear sir

I would like to express my views on certain aspects of the proposed taxi policy.

Firstly M.O.T.s my understanding was any M.O.T. approved garage would be able to carry out the test after all they are appointed by the appropriate body and therefore able to carry out the test to the legal requirements. The very least i would have expected is a number of garages designated by the council which would give me freedom of choice.

In addition licencing enforcement should have a written check list so operators and officers are working from the same page.

Fit and proper person guidelines should be laid down so that all can operate in the best interest of the public without worrying that something may change without warning.

I do not condone the use of mobile phones whilst driving it is dangerous but a five year ban from holding a badge is in my view excessive the punishment from the law of the land should be sufficient. Is this proposal for all employees of the council or just the taxi trade and if convicted whilst driving a private vehicle would a taxi driver lose his or her badge.

Robert Thornley

Licensed taxi operator. [utlook for Android](#)

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From: TheBulldogs and Mini hits Coc
Sent: 17 August 2022 10:45
To: Licensing

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**New Taxi & PH Licensing Policy Out for Consultation
Ends 05 September 2022**

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to licensing@blackpool.gov.uk email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.
8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Refuge collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years?

Email the council your response today to licensing@blackpool.gov.uk email subject line: **Licensing Policy Response**

From: Khaled Ahmed
Sent: 13 August 2022 19:50
To: Licensing
Subject: Licensing Policy Response

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New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022 The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

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9. How car we take card payment without using mobile device or card machine? How can we accept without tapping on the phone? If we can't use the phone than we cannot take the card payment or accept bookings. Who want to get band 5 for taking card payment or accepting phone while stopped point. We want the answer from you.

Kind regards
Khaled

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From: JEANETTE WHITE
Sent: 11 August 2022 14:56
To: Licensing
Subject: Licensing policy

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Good afternoon,

I would like to point out some problems/ disagreements with the policy.

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT. The manner in which the vehicle testing system has been written, is intentionally misleading, totally lacking in transparency as the minutes from the last PPC meeting state the CVMU will conduct the MOTs.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.

The enforcement side of licensing requires professionalising, 1950 operating procedures are not fit for todays society, the trade are subject to 40+ pages of what they can and cannot do but enforcement have no policy or procedures they must follow.

5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.

6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.

7. Wheelchair accessible vehicles should be given a 30% discount on the annual vehicle license fee. These vehicles have high running costs, but give people the opportunity to move around with ease, thus meeting the Government agenda for inclusivity and disability access.

8. Five years ban due to being convicted of using a handheld device must be removed from the policy. Does the same apply to Bus drivers, Tram drivers, All Council personnel, Bin collectors, Police, Ambulance drivers, etc etc. The five year ban is double Jeopardy and unacceptable as a viable punishment. If the head of licensing is caught using his mobile, will he be sacked and unable to apply for job at the council for 5 years? This is outrageous!

Many thanks

Jeanette burton

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From: andy dawson
Sent: 10 August 2022 15:05
To: Licensing
Subject: Licensing policy response

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To whom it may concern

After reading threw the recent licensing policy. There are a few points that needs to be addressed.

Test rescheme 1 cvmu compliance test and 1 mot a year. Why can't the mot be done at a garage of our choice.

PPC can change policy for any vehicle they deem fit needs removing.

4 faults is to harsh should be at least 6 on initial test. No current check list.

Licencing enforcement officer written procedures must be in a policy. A set format must be documented.

Pit testing procedures must be included within the policy as currently subjective.

The draft policy just allows council to add anything to the agenda at any given time.

Five year ban is outrageous and needs removing.

Wheelchair accessible vehicles should be give a 30% on annual license fees. We have very high running costs but give people opportunity to move around with ease. While meeting government agenda for disability access.

Is there going to be and type of support scene or grants. For those of us with wheelchair accessible vehicles. As to upgrade to new and more economical vehicle is 3 times more expensive. Then these current hybrid and electric cars used as taxis.

Many thanks

Andrew Dawson

Sent from my HUAWEI P30 on Three.

From: Ian Dacre
Sent: 09 August 2022 14:24
To: Licensing
Subject: Draft Hackney Carriage and Private Hire Licensing Policy

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Dear Sir/Madam

Having reviewed your draft policy I have a few comments that I would like you to address within the policy update.

Firstly,

A 5 year ban for using a mobile phone once convicted is way too excessive in my opinion. While I understand that the act of using a phone in any vehicle is illegal under certain situations, there are times as a cab driver that you may need to look up a hotel or a street name etc. You may be programming a sat nav and you may forget to turn off the engine whilst parked at the side of the road to do these things. Sometimes you have to think quickly and may possibly get caught out. It's a mistake, not an attempt to break the law. 5 years is way too much when you consider the investment some of us have in these Cabs.

Secondly,

Can there be some clarification on the use of ANY MOT station to get your mot's done. If we are restricted to CVMU it may as well be another PIT test and a lot more expensive. We should have a choice of our own MOT station. Whilst on this subject I would like to see a procedural and itemised checklist written within the policy for PITs' tests for clarification.

Thirdly,

Exceptional quality policy is way too harsh. I have found some of the PIT tests I have attended, to be subjective at least. More at the discretion of the tester than a set of guidelines as mentioned above. Therefore in line with BLTOA, I would like to see the initial set of 4 faults increased to 6 and 7 thereafter.

I sincerely hope you will consider these arguments in your final draft and look forward to seeing the results

Kind Regards

Ian M Dacre
(HD9161) and operator of plates 641 and 643

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From: Sam Cockcroft
Sent: 07 August 2022 11:18
To: Licensing
Subject: Licensing Policy

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Dear Sir, I wish to raise a few points regarding the upcoming changes/revisions in the Licensing Policies for Hackneys and Private hires in Blackpool.

1. The knowledge test for new licence applicants has become out of date and redundant with the advancements made in Satellite Navigation systems. These systems are now integrated into the work distribution devices for all companies.
2. There needs to be a more defined level of what a fit and proper person is. There are drivers of Private hires operating in Blackpool that have NOT had an enhanced DBS check.
3. A 5 year ban for certain driving convictions is biased against Taxi/Private Hire drivers. The same severe ban does not exist for other drivers working on public transport vehicles or Council employees driving on Council business. Or Emergency service vehicles.
4. The Government Agenda for Inclusivity and Disability access needs to be encouraged within the Taxi trade by offering a 30% discount on the annual vehicle licensing fee.
5. Compliance testing procedures, including the Exceptional Quality Policy test need to be standardised with use of a check sheet, similar to that used in an MOT test.

I look forward to receiving your comments on these matters.

Yours faithfully,

Simon Cockcroft

From: Lisa Ashton
Sent: 05 August 2022 11:47
To: Lisa Ashton
Subject: Message from KM_C458
Attachments: SKM_C45822080511470.pdf

RESPONSE RECEIVED FROM MR BLAKEY

New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022

-5 AUG 2022

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to licensing@blackpool.gov.uk email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
2. The caveat stating the PPC can change the policy for any vehicle they deem fit to 3 Tests a year needs removing from the policy.
3. Exceptional Quality Policy is harsh, the 4 faults need to be change to 6 faults on initial pit test, and 7 thereafter. The CVMU testing is exceptionally subjective and currently has no documented check list and is open to abuse. What passes at 10am will fail on another vehicle at 11am etc.
4. Licensing enforcement officer written procedures must be included in the policy. The current system is unprofessional, un-structured, and subjective. A set format for all compliance enforcement must be documented within the policy.
5. A written CVMU vehicle compliance testing procedures, with itemised check sheets must be included within the policy, the current system is subjective, and depends on who is doing the test.
6. The council should include a definition of what a fit and proper person is and isn't. The draft policy just allows the council to add anything to fit the agenda at the time of an issue.
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Email the council your response today to licensing@blackpool.gov.uk email subject line: Licensing Policy Response

From: S Hughes
Sent: 03 August 2022 14:16
To: Licensing
Subject: Taxi Policy

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To whom it may concern,

In regards to the hackney and private hire taxi policy

- I don't think that a 5 year ban is fair at all for holding a mobile phone whilst i agree that it is irresponsible to do this and should be punished but 5 years and to lose your income is unfair. Would this also apply to bus drivers, council workers and even the police?
- Would we be able to use an independent M.O.T. garage for our M.O.T's because if we had to use the Layton depot there would not really be a change to the current procedure.
- Is there any plans to issue any grants for people wanting to invest in a purpose built electric taxis?
- Is there any plans to increase rapid charging points in Blackpool? There are currently only 2 to use for the public which are at Lidl Devonshire Road and Toby Carvery Preston New Road if you want people to invest in electric vehicles they need to a lot more charging points

Regards,

Simon Hughes

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From: John B
Sent: 03 August 2022 11:51
To: Licensing
Subject: Licensing Policy Response
Attachments: 20220803_114037.jpg

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John Brophy plate number 600

After reading points suggested by BLTOA i would like to propose to add them to the new licensing policy
Thanks John

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From: ryan parker
Sent: 02 August 2022 09:53
To: Licensing
Subject: Taxi & ph licensing policy response

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New Taxi & PH Licensing Policy Out for Consultation Ends 05 September 2022

The policy will affect you for the next 10 years, this is your opportunity to have an impact and your voice heard, please read the new draft policy, and respond with your requests on what should be included or deleted.

Email your response today to licensing@blackpool.gov.uk email subject line: **Licensing Policy Response**

BLTOA will be responding with the following points:

1. The vehicle test rescheme of one (1) CVMU Compliance Test and one (1) MOT at any garage of the owners choice each year needs to be written into the policy. Its currently ambiguous and allows the CVMU to conduct the MOT.
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Email the council your response today to licensing@blackpool.gov.uk email subject line: **Licensing Policy Response**

From: Adele White
Sent: 31 July 2022 22:51
To: Licensing
Subject: Response to new policy

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Hello,

I find your new draft very good, it provided more clarity on what used to be a mystery to some of us- especially the pit tests.

What I feel some of us need assistance with is regulation of companies.

Some drivers are fined, discriminated against, pulled off air. Screamed at whilst pregnant. Fined for all night cover two weeks after giving birth. Threatened by directors via txt message. This is a most unkind and discriminatory playing field. Fined for attending a graduation and not being logged on. The list is exhaustive.

It is intimidating, toxic and bullying behaviour.

This is currently un-regulated and if it was proper employment these drivers would have grounds for tribunals. But as it stands it's legal for them to be treated in such a manner.

Any help in this department/company sanctions would be most appreciated.

Please help give us a voice.

Maybe do a survey? It would certainly be very interesting to see the results.

Regards (on behalf of a lot of people who won't speak up)

Adele White

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From: Aaron Wainwright
Sent: 31 July 2022 22:38
To: Licensing
Subject: New taxi & ph licencing policy

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Dear Sir/Madam,

I am writing to you concerning the proposal to remove licences from taxi drivers for a one off occasion of using a mobile phone whilst driving.

Whilst I most certainly do not condone the use of mobile phones at any point when driving, a one off mistake, which does not cause harm to anyone, should not mean the driver is automatically banned, their licence removed for five years and the lose of their livelihoods.

You are willing to take someones livelihood away yet the police would not do that. The general public will receive points on their licence and a large fine, yet your department will take away the careers of drivers for a mistake that has not necessarily caused any harm to anyone.

People do make the occasional mistakes, there are instances when taxi drivers need to use their phones to accept a job, but as professional drivers they are capable of still giving their upmost attention to the road. Repeat offenders are, of course, a different matter and should be treated accordingly.

I beg you to reconsider your proposal and take into account other factors rather than destroy the lives of one off offenders.

Yours sincerely,
Aaron Wainwright

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From: steven
Sent: 30 July 2022 10:41
To: Licensing
Subject: hackney carriage and private hire licensing policy

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Regarding proposal to have 1 pit test and 1 mot or 2 mots for vehicles over 14 years .I agree with this but I would like mots to be carried out at mot testing station of my choice and not just with CVMU .Costs are exculating, phv are licensing there vehicles in alternative authority's because of costs you must do something to stop this trend it is not good for blackpool taxi trade , if you allow us to get a mot of are choice it will go a long way to resolve this problem.

Yours sincerely S.m.richardson

Sent from the Connect for Hotmail app

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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 ~~may be~~ 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

Blackpool Council uses the NR3 database of refusals and applications

- (i) to check whether applicants have had applications/licences refused or revoked;
- (ii) To share information with other authorities where applications have been refused or licences revoked

~~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.~~

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Multi-agency safeguarding (MASH)

Multi-agency safeguarding hubs promote better information sharing between agencies including the Police and Social Services to improve the safeguarding response for children and the vulnerable. The details of all new applicants are provided to the Child Protection Licensing officer who will make checks ~~provides a link~~ with the MASH to ensure that relevant information is exchanged with the licensing authority.

~~Complaints against~~ Feedback concerning 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. Equally, compliments also provide a picture of a licence holder's behaviour and the public are encouraged to share positive experiences, which may be used to inform licensing decisions.

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~~-six 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 it is expected that a~~ driver ~~must~~shall 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 **evidence based and** 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 as~~ once subscribed, the DBS certificate is transferrable and lasts for life as long as there is no change because an offence is committed provided the subscription is maintained. 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 which is more expensive than subscribing to the update service.

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, we consider 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 Safeguarding

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. All existing licensed drivers are required to attend refresher training periodically (usually every three years)~~

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.~~

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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 [EF](#).

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.

[The annual pit test will take place at the Council's testing centre as part of the vehicle licence renewal process. MOTs may be undertaken at a garage of the vehicle proprietor's choosing but in](#)

the case of vehicles under 14 years of age, the MOT must be undertaken around six months from the annual pit inspection. In the case of vehicles over 14 years, four and eight months after the annual pit inspection.

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

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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 [GH](#)

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 being used for licensed purposes 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

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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 [H](#).

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, [alleged](#) failure to comply with any part of this policy, or ~~for other~~ any other [alleged](#)

conduct, which the licensing service believes may impacts on their fitness to be a licence holder. The Sub-Committee will consider evidence available and if substantiated, 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

The DFT Taxi and Private Hire Standards recommend that wwhere 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. Whilst those convicted of such an offence should have been found to be holding the device in their hand, there is concern within the trade that convictions may arise from the use of secured PDA devices to accept jobs. When considering an individual with such a conviction, the Sub-Committee will consider each case on its individual merits and would wish to hear more detail concerning the specific offence before making a decision.

It is important that drivers remain in control of their vehicle whilst using a secured PDA device

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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~~period 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 ~~covered~~~~clothed~~.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity

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

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Appendix 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.

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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 EF - 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 requirements 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 **FG** – 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 **GH** - 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 **H** - 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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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.](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 may be 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

Blackpool Council uses the NR3 database of refusals and applications

- (i) to check whether applicants have had applications/licences refused or revoked;
- (ii) To share information with other authorities where applications have been refused or licences revoked

Multi-agency safeguarding (MASH)

Multi-agency safeguarding hubs promote better information sharing between agencies including the Police and Social Services to improve the safeguarding response for children and the vulnerable. The details of all new applicants are provided to the Child Protection Licensing officer who will make checks with the MASH to ensure that relevant information is exchanged with the licensing authority

Feedback concerning 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. Equally, compliments also provide a picture of a licence holder's behaviour and the public are encouraged to share positive experiences, which may be used to inform licensing decisions.

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 (six 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 it is expected that a driver shall 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 evidence based and 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 a 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 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 as once subscribed, the DBS certificate is transferrable and lasts for life as long as there is no change because an offence is committed provided the subscription is maintained. 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 which is more expensive than subscribing to the update service

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, we consider 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.

Safeguarding

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.

All existing licensed drivers are required to attend refresher training periodically (usually every three years)

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.

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 E.

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.

The annual pit test will take place at the Council's testing centre as part of the vehicle licence renewal process. MOTs may be undertaken at a garage of the vehicle proprietor's choosing but in the case of vehicles under 14 years of age, the MOT must be undertaken around six months from the annual pit inspection. In the case of vehicles over 14 years, four and eight months after the annual pit inspection.

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 G

7.9 Accidents

If at any time a licensed vehicle is involved in an accident, however minor, an accident report form must 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 being used for licensed purposes.

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 H.

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, alleged failure to comply with any part of this policy, or any other alleged conduct, which the licensing service believes may impact on their fitness to be a licence holder. The Sub-Committee will consider evidence available and if substantiated, 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 licenced. 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

The DFT Taxi and Private Hire Standards recommend that 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. Whilst those convicted of such an offence should have been found to be holding the device in their hand, there is concern within the trade that convictions may arise from the use of secured PDA devices to accept jobs. When considering an individual with such a conviction, the Sub-Committee will consider each case on its individual merits and would wish to hear more detail concerning the specific offence before making a decision.

It is important that drivers remain in control of their vehicle whilst using a secured PDA device

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 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 covered.
- (f) The wearing of hoods or other clothing that obscures the driver's vision or their identity

Appendix E - 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 F – 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 G - 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 H - 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.

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	4 October 2022

PRIVATE HIRE DRIVER LICENCE

1.0 Purpose of the report:

1.1 To consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the referral 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 applicant is a fit and proper person to hold a Private Hire driver licence in respect of the following case:

D.S.C. (New applicant)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 4(a) D.S.C. Details of case (not for publication)
Appendix 4(b) D.S.C. DBS enhanced certificate (not for publication)
Appendix 4(c) D.S.C. DVLA Check (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 applicant is a fit and proper person 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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