

23 December 2020

LICENSING AND REGULATORY COMMITTEE

A meeting of the **Licensing and Regulatory Committee** will be held on **Wednesday, 6th January, 2021 at 10.00 am**. This will be a virtual meeting and you can observe the meeting [via our Youtube Page](#).

PHIL SHEARS
Managing Director

Membership:

Councillors Austen, Bradford, Clarence, D Cox (Chair), Evans, Hayes (Vice-Chair), Hocking, Kerswell, Nutley, Rollason and Russell

Please Note: The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

AGENDA

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 20)
To approve as a correct record the minutes of the meetings held on the 14th October 2020, 29th October 2020 and 26th November 2020.
4. **Hackney Carriage and Private Hire Policy - The Statutory Taxi and Private Hire Vehicle Standards** (Pages 21 - 80)
5. **Request for a Private Hire Vehicle Extension - LF05 YMZ** (Pages 81 - 100)

6. **Request for a Hackney Carriage Vehicle Extension - ML60 WRX** (Pages 101 - 116)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

LICENSING AND REGULATORY SUB-COMMITTEE**WEDNESDAY, 14 OCTOBER 2020**Present:

Councillors Austen (Chair), Bradford and Hayes

Officers in Attendance:

Marie Downey, Solicitor

Andrea Furness, Licensing Manager

Beth Tipton, Administrative Assistant

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**4. APPLICATION FOR A PRIVATE HIRE VEHICLE EXTENSION FOR 12 MONTHS - S16 EXC**

Members noted that the application had been withdrawn.

5. APPLICATION FOR A NEW PREMISES LICENCE - BEEFEATER AND PREMIER INN, BRUNSWICK STREET, TEIGNMOUTH, TQ14 8AF**5.1 Introductions**

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Manager and Democratic Services Officers.

The Chair advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

5.2 Procedure to be Followed

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

5.3 The Council's Licensing Officer's Report

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow regulated entertainment (Films, Indoor Sporting Events, Live and Recorded Music, Performance of Dance), Late Night Refreshment and Supply of Alcohol

The operating schedule shows:-

Hours Premises Open to the Public:
Monday to Sunday 0600hrs to 0100hrs
24 hours for hotel residents

Relevant licensable activities:

- Provision of regulated entertainment: Films, Indoor Sporting Events, Live and Recorded Music, Performance of Dance
- Provision of late night refreshment
- Supply of alcohol.

Hours of licensable activities:

Films (Indoors) Midnight	Monday to Sunday 10am to half past Midnight
Indoor Sporting Events Midnight	Monday to Sunday 10am to half past Midnight
Live Music (Indoors) Midnight	Monday to Sunday 10am to half past Midnight
Recorded Music (Indoors) Midnight	Monday to Sunday 10am to half past Midnight
Performance of Dance (Indoors)	Monday to Sunday 10am to half past Midnight
Late Night Refreshment (Indoors and Outdoors)	Monday to Sunday 11pm to half past Midnight
Supply of Alcohol (On and Off the premises)	Monday to Sunday 10am to half past Midnight

Seasonal variation on all licensable activities

New Years Eve/Day 10am to half past Midnight on 2 January

The Applicant and the Applicant's representative was present at the hearing.

The Council had received two representations of objection on the grounds of Public Nuisance. One objector, the Council's Environmental Health officer, was present at the Hearing.

5.4 Address by interested parties

5.4.1 Objectors

We heard from the Environmental Health Officer who had submitted objections on the grounds of Public Nuisance, specifically noise nuisance to the surrounding residential area and wanting clarification on how often events would be held however, discussions before the meeting had served to remove these concerns. The Environmental Health Officer stated that it had been agreed that live music would be limited to 15 events per calendar year and it was proposed that this be added as a condition or that a TENS should be applied for. The Environmental Health Officer also stated that the wording of the application in regards to the supply and consumption of alcohol in hotel rooms was not sufficiently clear and so a condition could be applied to ensure compliance.

5.4.2 Applicant

We then heard from the applicant's representative, who submitted that the hotel's reputation is paramount due to Premier Inn's 'Good Night Guarantee' and it is not in their interest to cause noise as this would then impact on their own business. The Applicant's representative highlighted the plan of the premises and explained that although there are residential buildings near the proposed site, it was a mixed use area and there were already plenty of licensed premises with later opening hours operating.

The Applicant's representative stated that the chain is not a discount retailer and the request for the off sales of alcohol is as any normal hotel would request and gives them the flexibility to operate and would be for residents only. The reception is also always supervised and only guests are able to enter the hotel after 11pm. Regulated entertainment is not a main part of their business and they were happy for a condition to limit the occasions as agreed with the Environmental Health Officer to be included.

The members of the committee did not feel that they needed to ask any further questions of the applicant.

5.5 Summaries

The applicant summarised their points.

The committee adjourned to debate the decision. On reconvening the Chair announced the decision.

5.6 Decision

“We have carefully considered all the written material and also the oral submissions on behalf of the applicant, and objectors.

The Sub Committee resolved that the application for a New Premises Licence in respect of the Beefeater and Premier Inn, Teignmouth be granted as set out in the report subject to the conditions agreed by the applicant and the Environmental Health Officer and that the off-sales of alcohol be limited to residents only for consumption in their rooms.

The reasons:

The Sub Committee are satisfied from the information presented that Whitbread Group Plc are an experienced and reputable company and that their method of operation is such that the Licensing Objectives will be upheld.

The Sub Committee, whilst understanding the concerns expressed by the local residents, do not consider that they are supported by fact but are based only on speculation as the premises have not yet been built.

The Sub Committee considered the fact that applicant company Whitbread offer their residents of Premier Inns, a “good night guarantee”, which allows for a customer to be refunded the cost of their accommodation if their night is disturbed. Therefore the Sub Committee believe that the applicant’s paramount concern is to avoid any public nuisance which could impact on this guarantee.

The Sub Committee gave particular weight to the Applicants Representative’s submission which stated that the operators are experienced in the running of family friendly licensed premises and have robust systems in place to ensure that their premises are run in accordance with the law and to ensure the avoidance of the commission of regulatory offences particularly in relation to public nuisance and crime and disorder.

Consideration was given to the Environmental Health Officer’s concern in respect of the frequency of live music events, however after hearing that the style of business is that of a family friendly hotel the committee are satisfied to allow the application as applied for in relation to live music.

Rights of Appeal

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates’ Court, 1st Floor, Riviera House, Nicholson Road,

Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the event the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

6. APPLICATION FOR A NEW PREMISES LICENCE - THE CIDER HOUSE, TUCKETTS FARM, LOWER NETHERTON, NEWTON ABBOT, TQ12 4RL

6.1 Introductions

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Officer, Democratic Services Officer and explained their respective roles.

The Chairman advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

6.2 Procedure to be Followed

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

6.3 The Council's Licensing Officer's Report

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the Supply of Alcohol. The operating schedule shows:-

Hours Premises Open to the Public:

Monday to Sunday 10am to Midnight

Relevant licensable activities:

- Supply of alcohol.

Hours of licensable activities:

Supply of Alcohol 10am to 11.30pm
(on and off the premises)

Seasonal variation on all licensable activities

New Years Eve/Day Open of business on New Years Eve to close of
business on New Years Day

Conditions had been agreed with the Environmental Health officer that there would be a restriction to the playing of live music to the inside of the building only and to limit the playing of live music to once per calendar month with at least 4 weeks between events. All other amplified music both inside and external to the premises to be played at a volume to be agreed with the Environmental Health Department

The Council has received four representations of objection, on the grounds of public nuisance. No objectors were present at the Hearing.

The Applicant and the Applicant's representative were present at the hearing.

6.4 Address by interested parties

6.4.1 Applicant

We heard from the applicant's representative, who submitted that this is a working farm and the owner has been licensed for a number of years and was looking to sell their own cider as they already sell eggs, meat etc. If there are no customers then the premises will be shut. There is also a limited amount of cider that can be made and once this is gone then they will not be selling any more. Consumers will be aware of the strength of alcohol.

The applicant's representative addressed the concerns from the written representations and stated that they did not expect there to be an increase in traffic and drink driving will not be encouraged. There was also no expectation that there would be anyone walking around the village at night. This is a working farm and the majority of customers are expected to make an appointment as they want an experience. Whilst people could turn up without an appointment it would depend on whether the applicant was available as to whether they would be able to buy the cider.

The Applicant's representative confirmed that planning permission is still to be agreed and they did not want the license to start until 1st March 2021. The applicant is hoping to have holiday lets and so it would not be in their interest to upset paying guests. It is likely that it is these customers who would be drinking later in the evening and therefore would be staying and not walking or driving around the village. The applicant does not wish to upset their neighbours and purely wants to provide an experience and not operate as a pub.

In response to questions the applicant and their representative advised:

- That the only alcohol on site would be what they made, no bought in alcohol.
- They wanted the license until midnight so that people could be there late on nice summer evenings and would negate the need to apply for a TEN and gives them flexibility, especially if they have the holiday lets.
- Visitors would probably be by appointment but of course people could just turn up but this is not expected to happen all of the time.

6.5 Summaries

The applicant's representative summarised their points.

At this juncture the committee adjourned to debate the decision. On reconvening the Chair announced the decision.

6.6 Decision

Arising from consideration of the report, all the representations, the relevant provisions of the Licensing Act 2003 and delegated legislation made thereunder, the guidance given to licensing authorities and the Council's own Policy.

The Sub Committee resolved that the application for a New Premises Licence in respect of The Cider House, Netherton be granted as set out in the report subject to the licensable activities ending at 11pm 7 days a week.

The reasons:

The Sub Committee are satisfied from the information presented that the Applicant is seeking to sell cider produced at the farm and that their method of operation is such that the Licensing Objectives will be upheld.

The Sub Committee heard that the ethos behind the application is for people to enjoy the products that have been produced on this old working farm. It is intended that there will only be one or two tables from which customers can soak up the ambience of the farm whilst enjoying a cider which has been produced there. Customers visiting the farm may also wish to purchase cider to take away.

The Sub Committee, whilst understanding the concerns expressed by the local residents, do not consider that they are supported by fact but are based only on speculation. There is no evidence to suggest that granting a licence to sell alcohol will increase the volume of traffic that uses the lanes approaching the farm. The farm is already a working farm.

The Applicant's agent informed the Sub Committee that it was not the intention of the applicant to have large groups of people present at one time. Holiday accommodation is currently being constructed on the farm and there is a holiday cottage opposite the cider store, it is envisaged that it will be the guests staying in these that will be most likely to use the farm facilities in the evening. It was submitted that the applicant would not want anyone to cause a noise nuisance as this would be detrimental to his business as a whole.

In respect of the opening hours the Applicant's Agent informed the Sub Committee that the premises would not be open for all of the licensed hours, it will not be a regular drinking establishment, if there are no customers the premises will close,

there will be encouragement to make appointments as the farm is a working farm and it is likely that the applicant will look after customers himself rather than employing extra staff. There will only be a limited amount of cider produced from crop each year and once this has gone there will no more until the following year. Bearing all of this in mind the Sub Committee were happy to grant the application but stated that the sale of alcohol should terminate at 11pm

Rights of Appeal

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates' Court, 1st Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the event the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

CLLR B AUSTEN
Chair

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 29 OCTOBER 2020

Present:

Councillors D Cox (Chair), Hocking and Kerswell

Officers in Attendance:

Marie Downey, Solicitor

Debbie Rosenveldt, Licensing Officer

Beth Tipton, Administrative Assistant

1. APOLOGIES

None.

2. DECLARATIONS OF INTEREST

None.

3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

4. APPLICATION FOR A PRIVATE HIRE VEHICLE EXTENSION - S16 EXC

Members noted that the application had been withdrawn.

5. APPLICATION FOR A NEW PREMISES LICENCE - BASKERVILLES ICE CREAM PARLOUR AND COFFEE SHOP

5.1 Introductions

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Manager and Democratic Services Officers.

The Chair advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

5.2 Procedure to be Followed

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

5.3 The Council's Licensing Officer's Report

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the Supply of Alcohol. Attached is a copy of the location plan and plan of premises (Appendix A).

The operating schedule shows:-

Hours Premises Open to the Public:

Monday to Thursday	0700hrs to 2200hrs
Friday and Saturday	0700hrs to 2300hrs
Sunday	1000hrs to 1730hrs

Relevant licensable activities:

- Supply of alcohol.

Hours of licensable activities:

Supply of Alcohol (on/off the premises)	Monday to Thursday	
	1000hrs to 2130hrs	
	Friday and Saturday	1000hrs
	to 2230hrs	
	Sunday	1000hrs
	to 1700hrs	

Seasonal variation on all licensable activities

Bank Holidays	1000hrs to 2230hrs
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Supply of alcohol is for consumption on and off the premises.

The Council has received 22 representations of objection, on the grounds of Public Nuisance. 1 objector was present at the Hearing acting as a representative for others who had made representations.

The Applicant was also present at the hearing.

5.4 Address by interested parties

5.4.1 Objectors

We heard from the objector who highlighted that the noise levels from the Ice Cream Parlour were loud but bearable during the day and busy summer season however, if the hours were to be extended late into the evening the residents felt that those levels would become intolerable and impact on amenity.

There was also concern that people would start using the premises as a place to buy cheap alcohol once the local shop shut at 10pm, again increasing noise levels.

The objector stated that the front of the premises was open and therefore made it easy for children to enter potentially putting them at risk. There were often bikes resting against railings from visiting cyclists which meant that members of the public were having to walk into the road which was a safety concern.

The Objector also mentioned that there were concerns that the Applicant would be unable to uphold the licensing objectives effectively.

There were no questions put to the objector by the committee.

5.4.2 Applicant

We then heard from the applicant, who submitted that the premises was not intended to operate as a place for people to buy cheap alcohol, they simply wanted the option to serve drinks with hot food such as soup. It is a family orientated site and their main clientele are cyclists and family. The opening times were to attract those families and holidaymakers who often had nowhere to go in the early morning, however they could look to reduce these times.

The Applicant stated that whilst the front of the garden was open this is due to building delays caused by Covid-19 and this will be enclosed in due course. The applicant stated that noise is not excessive and in fact they often can't hear people in the garden due to the road noise and other establishments.

The applicant confirmed that they were premises licence holders and they owned 3 other business providing employment. They are currently dealing with planning issues raised and this was due to misinformation.

The applicant's partner has a small producers licence and it is this that they would like to be able to sell as off sales. It is a niche market and so only people who want the product will be buying. They also have another local producer who would like to sell through their premises.

In response to questions the applicant advised:

- They were unlikely to use the outside space in winter due to weather and the seasonality controlled how they used the shop and when it opened.
- They can normally seat 24-30 people upstairs but currently this was 16 due to regulations.
- They would predominantly be selling cider but would like the ability to serve wine and beer with a meal. They did not see spirits as a priority at the moment.

- Building control had been consulted all the way through but the applicant would clarify they had all the certificates required.
- Planning allows them to sell heated food such as soups and Paninis such as similar cafes do. Again they are in consultation with DNP and believe they are allowed to do this.
- They did not want to apply for entertainment and that this must have been an error on the application form.
- The charity event where alcohol was sold was an honest mistake due to it being sold for donations but admitted they may have been naïve.
- They have a bike rack to stop bikes being left on the public path, they don't believe that cycles being left on the pavement are their customers.
- They are moving forward in their discussions with DNP and their consultant has advised to put in an application.
- The barn is purely for cider storage and not for selling.

5.5 Summaries

The objector and applicant summarised their points.

At this juncture the committee adjourned to debate the decision. On reconvening the Chair announced the decision.

5.6 Decision

We have carefully considered all the written material and also the oral submissions on behalf of the applicant, and objectors.

Arising from consideration of the report, all the representations, the relevant provisions of the Licensing Act 2003 and delegated legislation made thereunder, the guidance given to Licensing Authorities and the Council's own Policy, the Sub Committee unanimously resolve that the application for a New Premises Licence in respect of Baskervilles Ice Cream Parlour and Coffee Shop be refused as the Sub Committee were not satisfied from the information presented that Baskervilles Estates Ltd would be able to ensure that the Licensing Objectives would be upheld. The Sub-Committee noted in particular the lack of detail provided in the application and were not satisfied with the information relating to "the steps to promote the licensing objectives".

The Sub Committee listened to the concerns expressed by the objector speaking on behalf of the local residents and noted the concern for public safety and that currently the garden is not enclosed properly. It was felt that not enough had been done at this stage to prevent children from entering the garden of the premises. The sub-committee also considered that the areas that were intending to be licensed were not sufficiently clear

The Sub Committee were also concerned about public nuisance and the impact that the opening hours would have on the residents surrounding the premises and

were not convinced by the applicant's claims that you could not hear any noise from the garden due to the high stone wall. The committee felt that under 5.3.7 of the licensing policy, there was a risk to public harm and nuisance and the Applicant did not offer up any real conditions that they would be happy to adhere to in order to remedy this. The committee therefore felt that there was a risk of public nuisance and harm if the licence was granted.

Rights of Appeal

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates' Court, 1st Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the event the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

CLLR D COX
Chairman

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LICENSING AND REGULATORY COMMITTEE

THURSDAY, 26 NOVEMBER 2020

Present:

Councillors Austen, Bradford, D Cox (Chair), Evans, Hayes (Vice-Chair), Hocking, Kerswell, Nutley and Rollason

Officers in Attendance:

Debbie Rosenfeldt, Licensing Officer

Beth Tipton, Administrative Assistant

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

15. APOLOGIES

None.

16. DECLARATIONS OF INTEREST

None.

17. MINUTES

The Minutes of the meeting held on 4 November 2020 were approved as a correct record and will be signed at a later date.

18. APPOINTMENT OF VICE CHAIR

The Chair of the committee highlighted the hard work undertaken by Cllr Austen who stepped down as Vice-Chair.

Councillor Nutley proposed that Councillor Hayes be elected Vice-Chair of the committee and this was seconded by Councillor Rollason.

A roll call was taken.

RESOLVED unanimously that Councillor Hayes be elected Vice-Chair of the committee.

19. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - CB02 ALE

Consideration was given to an application to display a small plate for a Volkswagen Touareg, vehicle registration CB02 ALE, registered as a Private Hire Vehicle.

The Licensing Officer introduced the report and it was noted that the Vehicle has a valid MOT and is only two years old being registered in September 2018. Members considered photos of the vehicle and examples of small plates.

The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4 on page 27, as set out in the report circulated with the agenda.

The applicant explained what the vehicle was intended to be used for such as weddings and other special events and demonstrated why a small plate was being requested.

Resolved

The application to display a small plate on vehicle Volkswagen Touareg, vehicle registration CB02 ALE be approved.

Reason for Decision

Having considered photos of the vehicle, read all written material, and listened to the representation by the Licensing Officer and having heard the applicant's description of his business and the work that it entails, the Committee considered the resolution above would be best suited to the applicant whilst meeting the Council's licensing responsibilities

20. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION - WF08 LJE

Consideration was given to an application for a Hackney Carriage Vehicle Licence Extension for a Seat Alhambra vehicle registration WF08 LJE. The vehicle will be over 10 years old being registered in May 2008.

The Licensing Officer referred to the agenda report and the committee considered photos of the vehicle. It was noted that the vehicle had passed its MOT 24th November 2020 and it had passed the taxi inspection test on 25th November 2020.

The Applicant provided a written statement in support of the application.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old. The Council has the discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use.

RESOLVED - The vehicle registration WF08 LJE, Seat Alhambra, be approved for a 12 month Hackney Carriage Vehicle Licence Extension, in accordance with legislation subject to four monthly taxi inspection tests due to the age of the vehicle.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Manager, the Licensing and Regulatory Committee was satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

21. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION - OY60 RVP

Consideration was given to an application for a Hackney Carriage Vehicle Licence Extension for a Volkswagen Touran vehicle registration OY60 RVP. The vehicle will be over 10 years old being registered in September 2010.

The Licensing Officer referred to the agenda report and the committee considered photos of the vehicle. It was noted that the vehicle has a valid MOT until February 2021 and it had passed the recent taxi inspection test.

The Applicant provided a written statement in support of the application.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old. The Council has the discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition

and good state of repair, and provided that it passes the appropriate testing standard.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use.

RESOLVED - The vehicle registration OY60 RVP, Volkswagen Touran, be approved for a 12 month Hackney Carriage Vehicle Licence Extension, in accordance with legislation subject to a four month taxi inspection test due to the high mileage of the vehicle and wanting to check the maintenance of the tyres following the depot inspection comment relating to the offside front tyre wearing thin.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Manager, the Licensing and Regulatory Committee was satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

CLLR D COX
Chair

TEIGNBRIDGE DISTRICT COUNCIL**Licensing and Regulatory Committee**

6 January 2021

PART I

Report Title	HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – THE STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS
Purpose of Report	To seek approval for the Hackney Carriage and Private Hire Policy to be amended, to meet the Department of Transport statutory standards. All authorities are expected to provide an update by 31 January 2021 in developing the standards.
Recommendation(s)	The Committee RESOLVES to: Approve the changes to the Hackney Carriage and Private Hire Policy to meet the statutory standards.
Financial Implications	Licensing is self-financed by the licensed fees.
Legal Implications	Mrs Marie Downey, Solicitor, (Generalist) Email: marie.downey@teignbridge.gov.uk
Risk Assessment	The Licensing Authority has a statutory duty to ensure that reasonable steps are in place to carry out checks on new applicants and current drivers to enable them to determine if they are fit and proper to hold a hackney carriage and/or private hire drivers' licence. The paramount objective is to ensure public safety. Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
Report Author	Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
Portfolio Holder	Alistair Dewhirst Executive member for Waste Management & Environmental Health
Appendices / Background Papers	A: Summary of Statutory Standards document B: Statutory Taxi and Private Hire Vehicle Standards

1. INTRODUCTION / BACKGROUND

- 1.1 The Secretary of State for Transport has issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020 which are aimed at safeguarding children and vulnerable adults. The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. There is now an expectation that government and licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.
- 1.2 The Department for Transport stated that it will monitor licensing authorities' responses to the Statutory Standards. The Department is aware of the challenges caused by the current coronavirus pandemic and is mindful of this although The Secretary of State is asking all licensing authorities to provide an update to the Department of their consideration of the Standards six months after their publication, so by the end of January 2021. Therefore it expects these recommendations to be implemented unless there is a compelling local reason for not doing so.
- 1.3 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. It has been declared that in the interests of transparency, all licensing authorities should publish their consideration of the measures contained in the Standards and the policies and to outline delivery plans that stem from these. The update will enable government bodies to engage with those authorities that do not adopt the Standards and to seek from them a rationale for failing to act to protect passengers.
- 1.4 The Statutory Standards are seen nationally an important first step in reforming the way the taxi and private hire vehicle sector is regulated and the should ensure consistent standards between licensing authorities. The Department for Transport fully expects licensing authorities to implement these measures as soon as possible and it is for that reason this initial briefing is provided to this committee to allow a timeline to take this forward.
- 1.5 The Government will later this year consult on revised best practice guidance that will reflect the enormous changes that the industry has undergone in recent years and make clear recommendations on the measures licensing authorities should consider to enable the trade to react to the demands of passengers.

2. INTERIM ASSESSMENT

- 2.1 The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework policies that, under section 177(4), licensing authorities must have regard to when exercising their functions. Officers have had the opportunity to complete an interim assessment of the Statutory Standards despite the short period of time since being received and a summary of the full document is provided in **Appendix A**.

- 2.2 The assessment outlines measures and steps that have already been taken by this licensing authority that are relevant to the proposed Standards. This authority adopted its existing taxi and private hire policy in 2009 with an amendment that took place in 2015 and again in April 2019. It is currently being rewritten to go out to full consultation in 2021. All Statutory Standards have been considered, however, these need to be incorporated into the current taxi and private hire policy.
- 2.3 There are a number of key points in the Statutory Standards for all licensing authorities to address with a number that require further examination and review by this authority in the months ahead. To assist members today, Appendix A lists key headings raised as the Statutory Standards with a commentary added for each. A brief summary has been included with regard to the present situation for this licensing authority that will require review in the months ahead.
- 2.4 To summarise the points in Appendix A that require further consideration by this authority are:
- a) Signing up to a national licensing database to share information on revoked or refused licence referred to as the 'NR3 Database',
 - b) Driver criminality checks will require DBS checking every six months being far more frequent than currently with an impact on officers and licence holders,
 - c) Safeguarding Awareness session for licence holders; the Covid-19 situation now requires new procedures for remote, virtual sessions currently being explored by all Devon authorities,
 - d) DBS checking and increased frequencies for private hire despatch staff,
 - e) CCTV and audio recording assessment and whether it is necessary in this district. This will be included in the review of the policy but prohibitive costs for licence holders needs to be assessed against a specific need for mandating all vehicles, and
 - f) Joint enforcement powers for officers with/from other districts and cities. This has been discussed and may be more appropriate on the basis of when a need arises, will be progressed by the Devon Licensing Officer Group (under point 19).
- 2.5 The committee is therefore asked from this point forward to have regard to the Statutory Taxi and Private Hire Vehicle Standards.
- 2.6 It is proposed that officers will develop the proposals and actions required under Appendix A. That course of action will meet the requirements under point 1.2 of this report to allow the necessary update to be provided to the Department of Transport on this authority's plans by 31 January 2021.

3. CONCLUSION

That Committee approve the changes requested to the Hackney Carriage and Private Hire Policy, which do not require to go out to consultation or require further review, to allow this authority to meet the statutory standards.

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Review of the Statutory Taxi and Private Hire Vehicle Standards

The Statutory Taxi and Private Hire Vehicle Standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their functions. The following table sets out the present situation for this authority

	Heading	Statutory Taxi and Private Hire Vehicle Standards recommendations / measures including paragraph number(s)	Current Position
1. Introduction			
		<p>Paragraphs 1.1 to 1.7</p> <p>Paragraph 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.</p>	The standards are a recent introduction and this authority currently does not have all the recommendations and measures in place.
		<p>Paragraph 1.5 All local authorities and district councils that provide children’s and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of Safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children statutory guidance.</p>	This authority has a Whistleblowing procedure – August 2019. and Working Safety with Children and Vulnerable Adults Protocol – May 2020 some of this is dealt with at Devon County Council.
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards			
		<p>Paragraph 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public.</p>	The standards are a recent introduction and this authority currently does not have all the recommendations and measures in place.
		<p>Paragraph 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give</p>	

		<p>considerations the weight which is proportionate in the circumstances. Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated. It is not a question of box ticking; the standards must be considered rigorously and with an open mind.</p>	
		<p>Paragraph 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence. In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these. The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).</p>	<p>Recommendations and measures to be considered and implemented on a rolling programme.</p>
3. Administering the licensing regime - Policies			
		<p>Paragraphs 3.1 – 3.5 All licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.</p>	<p>This authority introduced its current policy in 2009 with amendments in 2015 and 2019 – it is proposed to carry out a full policy review in 2021. Then to be reviewed every five years.</p>
		<p>Paragraph 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings. <i>"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire</i></p>	<p>This authority does not carry out persistent and rigorous enforcement of the regulatory functions available to it. Enforcement to be reviewed.</p>

		<i>taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”</i>	
		Paragraph 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.	Put mechanisms in place to ensure policy is reviewed annually with full review every five years.
	Duration of licenses	Paragraph 3.7 Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a ‘probationary’ basis.	This authority does not issue (driver) licenses on a probationary basis. We grant one and three licenses for drivers and one and five year licenses for operators, although the current policy only states one year for operators. The current policy requires amendment. No consultation required.
	Whistleblowing	Paragraphs 3.8 to 3.11 Paragraph 3.8 Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly. <i>A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.</i>	This authority has a Whistleblowing Procedures (August 2019)
		Paragraph 3.10 Local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it. If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.	

	Consultation at the local level	<p>Paragraphs 3.12 to 3.13 Paragraph 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.</p>	This authority reviews its contact list for each consultation.
		<p>Paragraph 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.</p>	<p>Neighbouring areas are consulted through the Devon Licensing Officers Group (DLOG) that meets every six weeks. Consultation on policy is regularly discussed.</p> <p>Councillor Liaison meetings to do not take place – but portfolio holders are kept up to date. Determine whether councillor liaison meetings are required.</p>
	Changing licensing policy and requirements	<p>Changing licensing policy and requirements</p> <p>Paragraphs 3.14 to 3.15 Paragraph 3.14 Any changes in licensing requirements should be followed by a review of the licences already issued.</p>	This is not in our current policy. It is proposed to be included in review of policy. Each application/renewal would be treated on its merits.
		<p>Paragraph 3.15 Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.</p>	Reasons are given when deviating from policy but these reasons will need to be reviewed in light of these standards.
4. Gathering and Sharing Information			
	The Disclosure and Barring Update Service (DBS)	<p>Paragraphs 4.5 to 4.8 Paragraph 4.5 Subscription to the update service and with an individual's consent allows licensing authorities to request large numbers of certificate status checks on a daily basis.</p> <p>Paragraph 4.7 The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously.</p>	<p>This authority does not have this within the current policy requiring drivers to sign up to update service. It is proposed to require current drivers on renewal. New applicants will be required to sign up to update service straight away.</p> <p>Amendment to the current policy required. No consultation required.</p>

	Common Law Police Disclosure	Paragraphs 4.9 to 4.11 Paragraph 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.	There are close links with the police and information shared. It is not known what information and sharing protocols are being used and in place. This is to be investigated between this authority and police to see how effective and efficient current information sharing procedures and protocols are working.
	Licensee self-reporting	Paragraphs 4.12 – 4.13 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so.	This authority has this within the current policy. However, the licensee self-reporting in our current policy states 'within seven days' this needs to be changed to 48 hours. No consultation required.
	Referrals to the Disclosure and Barring Service and the Police	Paragraphs 4.14 to 4.16 Paragraph 4.14 A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.	This is not within the current policy. It is proposed to add this on the review of the policy.
	Sharing licensing information with other licensing authorities	Paragraph 4.20 to 4.25 Paragraph 4.20 Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.	This authority requires applicants for a licence to declare these details during the application process.
		Paragraph 4.21 Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.	This authority like the majority had not yet signed up to the national database for sharing refusal or revocation information. However, an application is in the process to sign up. This needs to be included in the policy. No

			consultation required.
Multi-agency Safeguarding Hub (MASH)	Paragraphs 4.26 to 4.28 Paragraph 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.		This authority has a procedure relating to making safeguarding referrals to MASH but not dealt with by licensing and therefore is not included in the policy. This is to be investigated.
Complaints against licensees	Paragraphs 4.29 to 4.36 Paragraph 4.29 All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.		This authority has recently set up an online form this will enable the data is recorded and reports can be run. Previously this has been carried out manually.
	Paragraph 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.		This is the approach that is taken, but lack of resource is an issue for a consistent approach and to following up and investigating complaints in a timely manner. More officer time is needed for this function and enforcement of the taxi trade.
	Paragraph 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles.		We have recently set up a form to report a complaint. This authority provides for each vehicle an internal plate that sets out details of how to make a complaint. We have recently set up a form to report a complaint.
Overseas Convictions	Paragraph 4.34 to 4.36 Paragraph 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process.		This authority requires applicants for a licence, to obtain and submit a 'Certificate of Good Conduct' from their country of origin, of previous residence

			as part of the 'fit and proper' test.
5. Decision Making			
Administration of the licensing framework	Paragraphs 5.1 to 5.2 Paragraph 5.1 The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation.		A scheme of delegation is in place – but is not included in the policy. This will be included in the review of policy.
Training decision makers	Paragraph 5.3 to 5.5 Paragraph 5.3 All individuals that determine whether a licence is issued should be required to undertake sufficient training.		Licensing Officers have undertaken accredited training provided by the Institute of Licensing. Refresher/advanced courses are attended when available. Committee Members are also mandated to attend training before sitting on a Licensing and Regulatory Committee
The regulatory structure	Paragraphs 5.6 to 5.11 Paragraph 5.6 To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorise council officers via a transparent scheme of delegation.		A scheme of delegation is in place – but is not included in the policy. This will be included in the review of policy.
	Paragraph 5.11 All licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.		This authority does not have a formal arrangement in place for dealing with serious matters that may require the immediate revocation of the licence. However, this will need to be reviewed in light of these standards.
Fit and proper test	Paragraphs 5.12 to 5.14 Paragraph 5.12 Without any 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 day or night ?		This is set out in the report for the Licensing and Regulatory Committee to consider when determining the application.
	Paragraph 5.13 If on the balance of probabilities, the answer to the question is 'no' the individual should not hold a licence.		

		<p>Paragraph 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.</p>	<p>Whilst the Licensing and Regulatory Committee has never overtly adopted the principle that, when considering whether an applicant was fit and proper to hold a licence.</p> <p>This standard to be adopted.</p>
	Annex – Assessment of previous Criminal convictions and rehabilitation	<p>Pages 35-36 Paragraphs 5.15 to 5.17 Paragraph 5.15 In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.</p>	<p>This is included within the policy. This may be subject to change following the policy review, in light of these standards and any other guidelines relating to this matter, including the Institute of Licensing guidelines.</p>
		<p>Paragraph 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.</p>	
		<p>Paragraph 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.</p>	
6. Driver Licensing			
	Criminality Checks for drivers	<p>Paragraphs 6.1 to 6.4 Paragraph 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants.</p>	<p>This authority request an enhanced criminal record check of the barred lists from the DBS for all driver</p>

			licence holders or new applicants.
		<p>Paragraph 6.2</p> <p>All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.</p>	<p>This authority like many have signed up to conducting DBS checking every 3 years.</p> <p>The current policy will require changing. It is proposed to require current drivers to sign up on renewal. New drivers will be required to sign up immediately. The online checking facility costs the drivers £13 per year – paid to the Disclosure and Barring Service. No consultation required.</p>
		<p>Paragraph 6.3</p> <p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list. (unless there are exceptional circumstances)</p>	<p>This authority does not issue a licence to a person on the barred list, however, this is not in the policy. This is to be included in the policy.</p>
	Safeguarding Awareness	<p>Paragraphs 6.5 to 6.7</p> <p>Paragraph 6.6</p> <p>All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:</p> <ul style="list-style-type: none"> • provide a safe and suitable service to vulnerable passengers of all ages; • recognise what makes a person vulnerable; <p>and</p> <ul style="list-style-type: none"> • understand how to respond, including how to report safeguarding concerns and where to get advice. 	<p>This authority like many has requested all driver applicants to undergo Safeguarding awareness.</p> <p>This is not within our current policy. It is proposed to make this a mandatory requirement for all drivers to undertake safeguarding training which will include county lines exploitation but this will require a change to our current Hackney Carriage and Private Hire Policy.</p> <p>This will be included in the review of policy.</p> <p>The impact of Covid-19 means sessions and meeting are not</p>

			<p>possible for groups or individuals.</p> <p>This needs further review and this authority is exploring with the other seven Devon Authorities alternative virtual and remote Safeguarding packages.</p>
	'County Lines' exploitation	<p>Paragraphs 6.8 to 6.13 Paragraph 6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p>It is proposed to make this a mandatory requirement for all drivers to undertake safeguarding training which will include county lines exploitation but this will require a change to our current Hackney Carriage and Private Hire Policy. This will be included in the review of policy.</p>
	Language proficiency	<p>Paragraphs 6.14 to 6.15 Paragraph 6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.</p>	<p>This authority does not have anything currently in place. This will be introduced in the review of the current policy. This needs further investigate to seek the best options available to facilitate this matter. Consultation required.</p>
		<p>Paragraph 6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.</p>	
7. Vehicle Licensing			
	Criminality checks for vehicle proprietors	<p>Paragraphs 7.2 to 7.6 Paragraph 7.2 Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.</p>	<p>This authority does not have in our current policy the requirement for vehicle proprietors to obtain a basic DBS. This needs to be mandated in the policy. This will be included in the review of policy.</p>

		<p>Paragraph 7.4</p> <p>A refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information</p>	<p>This authority does not have a policy on dealing with a person who holds a vehicle proprietors licence and not a driver's licence.</p> <p>It is proposed to apply the 'fit and proper' test on dealing with licensed vehicle proprietors. This will be included in the review of the policy.</p>
		<p>Paragraph 7.5</p> <p>Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.</p>	<p>This authority does not have this in the current policy. It is proposed to apply the 'fit and proper' test for each of the directors or partners in that company or partnership.</p> <p>This will be included in the review of the policy.</p>
In-vehicle visual and audio recording - CCTV	<p>Paragraphs 7.7 to 7.13</p> <p>Paragraph 7.8</p> <p>The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:</p> <ul style="list-style-type: none"> • deterring and preventing the occurrence of crime; • reducing the fear of crime; • assisting the police in investigating incidents of crime; • assisting insurance companies in investigating motor vehicle accidents. <p>All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p>	<p>This is to be included in the review of the policy but it will not be mandatory for the installation of audio and CCTV; there have been no formal reporting or investigation by police for incidents within licensed vehicles that we are aware of.</p> <p>Costs are met by the vehicle owner and costs are prohibitive at a minimum of £500 per CCTV unit. (This quote was obtained from another authority).</p> <p>Making this a mandatory requirement places the Data responsibilities on this authority.</p> <p>This will be included in the review of policy.</p> <p>This requires further review with the</p>	

			licence holders. Consultation required.
		Paragraph 7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.	
	Stretched Limousines	Paragraphs 7.14 to 7.15 Paragraph 7.14 It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.	This authority has this included in our current policy.
8. Private Hire Vehicle Operator Licence			
	Criminality checks for private hire vehicle operators	Paragraphs 8.2 to 8.6 Paragraph 8.2 Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.	Current policy does not require a basic check. This needs to be made mandatory for licensed private hire vehicle operators should undertake an annual basic disclosure from the DBS. This will be included in the review of the policy.
		Paragraph 8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information.	This authority does not have this in the current policy. It is proposing to apply the 'fit and proper' test on dealing with licensed private hire vehicle operators. This will be included in the review of the policy.
		Paragraph 8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators should be required to advise the	This authority does not have this in the current policy. It is proposing to apply the 'fit and proper' test on dealing to each of the directors or partners in that

		licensing authority of any change in directors or partners.	company or partnership. This will be included in the review of the policy.
Booking and dispatch staff	Paragraphs 8.7 to 8.12 Paragraph 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.		This authority does not have this in the current policy. It is proposing to make it a condition of granting an operator licence to require a register of all staff that will take bookings or dispatch vehicles is kept. This will be included in the review of policy.
	Paragraphs 8.9 to 8.12 Paragraph 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. Paragraph 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. Paragraph 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions. Paragraph 8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.		This authority does not have this in the current policy. It is proposing that the matters raised in paragraphs 8.9 to 8.12 become policy and a condition of granting an operator licence that the operator has had sight of a Basic DBS on all individuals listed on their register of booking and dispatch staff. This will be included in the review of policy.
Record Keeping	Paragraphs 8.13 to 8.15 Paragraph 8.13		This authority has the some of this information included in the current policy.

		<p>Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> • the name of the passenger; • the time of the request; • the pick-up point; • the destination; • the name of the driver; • the driver's licence number; • the vehicle registration number of the vehicle; • the name of any individual that responded to the booking request; • the name of any individual that dispatched the vehicle. 	<p>It is proposed to amend the operator condition to include as a minimum, all the information recommended in paragraph 8.13. This will be included in the review of policy.</p>
Use of passenger carrying vehicles (PCV) licensed drivers	<p>Paragraphs 8.16 to 8.17 Paragraph 8.16</p> <p>The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.</p> <p>Paragraph 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.</p>	<p>This authority does not have this included in the current policy. It is proposing to make it a condition of licence that the use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted without the informed consent of the booker. This will be included in the review of policy. How often this occurs is unknown.</p>	
9. Enforcing the Licensing Regime			
Joint authorisation of enforcement officers	<p>Paragraph 9.2</p> <p>Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence.</p>	<p>This authority has currently no joint authorisations for officers from other authorities in place.</p> <p>A review can be undertaken with the Devon Licensing Officer Group (DLOG)</p>	
Setting expectations and monitoring	<p>Paragraph 9.3 to 9.4 Paragraph 9.4</p> <p>The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence</p>	<p>This authority has a complaints procedure within the current policy, but this is out of date as we have recently set up an online form to enable a report of a complaint.</p>	

		when considering the renewal of licences and of any additional training that may be required.	<p>See - Recording & Monitoring complaints. The issue of enforcement and compliance needs to be discussed when the current issues relating to COVID 19 have settled down.</p> <p>It is important that there is capacity to deal with the more serious complaints. Policy needs changing. No consultation required.</p>
Suspension and revocation of driver licences	<p>Paragraphs 9.5 to 9.10 Paragraph 9.6 Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately.</p>		<p>This authority does not have this included in the current policy. It is proposing to introduce in the review of the policy dealing with licensed drivers who have been served an immigration penalty or convicted of an immigration offence. This will be included in the review of policy.</p>
	<p>Paragraph 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.</p>		<p>This authority is not aware that this scenario has occurred and an expedited re-licensing process is not in place. It is proposing to introduce an expedited re-licensing policy for those drivers who have successfully appealed a revocation or the original allegations were unfounded. This will be included in the review of policy.</p>

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#):

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any 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 day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – ‘*Together, we can tackle child abuse*’ which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee 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 licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, 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.

Offences involving violence against the person

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.

Possession of a weapon

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.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

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 on any barred list.

Dishonesty

Where an applicant has a conviction for any 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.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

Discrimination

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 imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor 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 licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving 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.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand 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.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING & REGULATORY COMMITTEE

6 January 2021

PART I

Report Title	Request for Private Hire Vehicle Extension for further 12 months LF05 YMZ Red Volkswagen Transporter
Purpose	For the Committee to consider the request, including this report, representations made by the proprietor of the vehicle and the vehicle and to determine whether the vehicle is fit for purpose and should be issued with an extended licensing plate.
Applicant	
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Request for extension B: MOT history C: Photographs

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 31 March 2005
Age of vehicle, if granted - 15 years and 9 months
Private Hire licence expires – 14 January 2021

The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

- 1.2 MOT expires on 25 January 2021 with one advisory. The MOT was extended under the Government 6 month provision.
- 1.3 Vehicle inspection booked at the Depot for 4 January 2021 – details will be provided at the hearing.
- 1.4 **Licensing Officer:**
Vehicle checked – 17 December 2020
Officer comments: Given the age of the vehicle, visually it is in very good condition. No chips or dents on the paintwork and the interior is clean and tidy. First aid kit and fire extinguisher seen under the front seat. Tyres appear to be in good condition.

Recommendation:

If the Committee resolves to license the vehicle, a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed.

2. RELEVANT POLICY AND LAW

- 2.1 Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

- 2.2 All vehicle licences are issued annually.

- 2.3 Section 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'Every licence granted under this section shall— (c) remain in force for such period not being longer than one year as the district council may specify in the licence'.

- 2.4 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'

- 2.5 The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public. The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

- 2.6 The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

“The Committee decided that vehicles being presented for initial licensing must be under five years old.”

2.7 With regard to subsequent licensing, the Committee decided that a vehicle should be under ten years old with the exception of purpose built cabs. However the Committee decided that the Council could exercise discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing. The Committee did not consider it appropriate to introduce an upper age or mileage limit.”

2.8 Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides:

‘that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.’

2.9 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting of an extension of the licence. If it is satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

3. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

4. LEGAL

The Committee are required only to ensure that Public Safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

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Dear Committee Members

Private Hire P146 - Vehicle Reg LF05 YMZ

I would like you to consider extending the Private Hire Licence on my vehicle for one year.

It is a Volkswagen Transporter which is an 8 seater minibus, it is in good condition, it is serviced every 10,000 miles. Its annual MOT is due on 25 January 2021 and its taxi test is due on 14 January 2021, both of these will be passed prior to the meeting on 6 January.

Our vehicles are well maintained with our own mechanic. This ensures that they are serviced regularly and kept running efficiently. We also have our own wash facilities so that the vehicles can be cleaned inside and out each day. This prolongs the life of the upholstery and interior. As well as making sure the vehicle's exterior is checked each day.

The Coronavirus pandemic has had a catastrophic effect on our business. We still have many months ahead of restrictions which affect the demand for taxis, I do not believe that the taxi trade will resume back to normal for some time. I feel it would be a bad business decision to invest my money in a new or nearly new vehicle in these uncertain times, especially when in my opinion the vehicle that I already have is up to the standard of what is required of a private hire vehicle.

Many thanks

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Check MOT history (<https://www.gov.uk/check-mot-history>)

LF05YMZ

VOLKSWAGEN TRANSPORTER

Colour	Fuel type	Date registered
Red	Diesel	30 March 2005

MOT valid until
25 January 2021

MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories, and view test certificate

Date tested	Mileage	MOT test number
28 June 2019	177,077 miles	7601 9170 5945
PASS	Test location	Expiry date
		25 January 2021

Monitor and repair if necessary (advisories):

- **Offside Rear tyre cracking and perished on walls**

Date tested	Mileage	MOT test number
27 June 2019	177,072 miles	8704 7315 8058
FAIL	Test location	

Repair immediately (major defects):

- **Nearside Front Lower Suspension arm ball joint excessively worn (5.3.4 (a) (i))**
- **Offside Front Service brake excessively binding (1.2.1 (f))**

Monitor and repair if necessary (advisories):

- **Offside Rear tyre cracking and perished on walls**

Date tested	Mileage	MOT test number
20 July 2018	172,354 miles 87	3674 9578 8289

PASS

Test location

Expiry date

25 July 2019

Monitor and repair if necessary (advisories):

- **Nearside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Offside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**

Date tested
19 July 2018**FAIL**Mileage
172,348 milesMOT test number
8900 6952 8346

Test location

Repair immediately (major defects):

- **Offside Rear Shock absorbers has a serious fluid leak (5.3.2 (b))**
- **Nearside Front Service brake excessively fluctuating (1.2.1 (e))**
- **Nearside Service brake lagging in operation slow (1.2.1 (d))**

Monitor and repair if necessary (advisories):

- **Nearside Rear Shock absorbers light misting of oil or has limited damping effect (5.3.2 (b))**
- **Nearside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Offside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **parking brake just met efficiency 16%**
- **Offside Front Anti-roll bar linkage ball joint has slight play (5.3.4 (a) (i))**

The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested
26 July 2017**PASS**Mileage
169,112 milesMOT test number
9455 5697 6602

Test location

Expiry date
25 July 2018Date tested
21 July 2016Mileage
163,848 miles₈₈MOT test number
7013 9370 0703

PASS

Test location

Expiry date
21 July 2017Date tested
22 July 2015**PASS**Mileage
155,787 milesMOT test number
9977 3300 5281

Test location

Expiry date
21 July 2016Date tested
21 July 2014**PASS**Mileage
149,234 milesMOT test number
9898 8290 4267

Test location

Expiry date
21 July 2015

Advisory notice item(s)

- **rear brake discs in poor condition**

Date tested
17 July 2014**FAIL**Mileage
149,234 milesMOT test number
9570 2859 4199

Test location

Reason(s) for failure

- **Nearside Track rod end ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.2.C.1c)**
- **Rear Brake pad(s) less than 1.5 mm thick (3.5.1g)**
- **Nearside Front Tyre has a cut in excess of the requirements deep enough to reach the ply or cords (4.1.D.1a)**
- **Nearside Front suspension has excessive play in a lower suspension ball joint (2.5.B.1a)**

Advisory notice item(s)

- **rear brake discs in poor condition**

Date tested
26 June 2013**PASS**Mileage
135,359 milesMOT test number
5158 5727 3151

Test location

Expiry date
21 July 2014Date tested
16 July 2012**PASS**Mileage
121,629 milesMOT test number
9490 7829 2103

Test location

Expiry date

21 July 2013Date tested
13 July 2012**FAIL**Mileage
121,622 milesMOT test number
7353 1539 2170

Test location

Reason(s) for failure

- **Nearside Front Suspension arm ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Offside Front Suspension arm ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Nearside Front Track rod end ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.2.C.1c)**
- **Nearside Front Tyre tread depth below requirements of 1.6mm (4.1.E.1)**

Advisory notice item(s)

- **Brakes imbalanced requirements only just met. It would appear that the braking system requires adjustment or repair. (3.7.B.5b)**

Date tested
21 July 2011**PASS**Mileage
117,469 milesMOT test number
1983 2240 1220

Test location

Expiry date
21 July 2012

Advisory notice item(s)

- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**

Date tested
20 July 2010**PASS**Mileage
109,471 milesMOT test number
6031 6160 0236

Test location

Expiry date
21 July 2011Date tested
16 July 2009**PASS**Mileage
94,813 milesMOT test number
7339 2759 9121

Test location

Expiry date
21 July 2010

Advisory notice item(s)

- **Centre Rear Seat belt damaged but not affecting the operation of the belt (5.2.2a)**
- **Nearside Rear Seat belt damaged but not affecting the operation of the belt (5.2.2a)**
- **Offside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Rear Tyre worn close to the legal limit (4.1.E.1)**

Date tested
15 July 2009

FAIL

Mileage
94,809 miles

MOT test number
8828 8659 9180

Test location

Reason(s) for failure

- **Nearside Stop lamp not working (1.2.1b)**
- **Offside Rear brake caliper leaking (3.6.A.1)**

Advisory notice item(s)

- **Centre Rear Seat belt damaged but not affecting the operation of the belt (5.2.2a)**
- **Nearside Rear Seat belt damaged but not affecting the operation of the belt (5.2.2a)**
- **Offside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Rear Tyre worn close to the legal limit (4.1.E.1)**

Date tested
22 July 2008

PASS

Mileage
86,181 miles

MOT test number
8828 5400 8212

Test location

Expiry date
21 July 2009

Date tested
17 July 2008

FAIL

Mileage
85,035 miles

MOT test number
6532 3909 8133

Test location

Reason(s) for failure

- **Registration plate lamp not working (1.1.5c)**
- **Windscreen has damage to an area in excess of a 10mm circle within zone 'A' (8.3.1a)**

Date tested
22 January 2008

Mileage
61,624 miles

MOT test number
1624 5222 8068

PASS

Test location

Expiry date

21 January 2009

Date tested

14 September 2007

Mileage

50,750 miles

MOT test number

9031 3735 7248**PASS**

Test location

Expiry date

13 September 2008**Outstanding vehicle recalls**

Check if VOLKSWAGEN TRANSPORTER LF05YMZ has outstanding recalls















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TEIGNBRIDGE DISTRICT COUNCIL

LICENSING & REGULATORY COMMITTEE

Date of Committee: 6 January 2021

PART I

Report Title	Request for Hackney Carriage Vehicle Extension for a further 12 months Vehicle registration ML60 WRX, Black Seat Alhambra
Purpose	For the Committee to consider the request, including this report, representations made by the proprietor of the vehicle and the vehicle and to determine whether the vehicle is fit for purpose and should be issued with an extended licensing plate.
Applicant	
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Request for extension B: MOT certificate C: Photographs D: Vehicle inspection sheet

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 29 October 2010
Age of vehicle, if granted - 10 years and 3 months
Hackney Carriage licence expires – 19 January 2021

The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

- 1.2 The vehicle passed its MOT on 17 December 20 with no advisories – see appendix B.
- 1.3 The vehicle had its annual inspection at the Depot on 18 December with one advisory – see appendix D.
- 1.4 **Licensing Officer:**
Vehicle inspected – 7 December 2020
Officer comments: Visually the vehicle is in very good condition, no scratches or dents to the paintwork. First aid kit and fire extinguisher seen in boot. Leather

seats are in reasonable condition. Interior a little untidy due to the applicant having just finished a school run.

Recommendation:

If the Committee resolves to license the vehicle, a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed.

2. RELEVANT POLICY AND LAW

- 2.1 Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

- 2.2 All vehicle licences are issued annually.

- 2.3 Section 43 of the Town Police Clauses Act 1847 provides that:

'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

- 2.4 Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.

- 2.5 The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public. The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

- 2.6 The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

“The Committee decided that vehicles being presented for initial licensing must be under five years old.”

- 2.7 With regard to subsequent licensing, the Committee decided that a vehicle should be under ten years old with the exception of purpose built cabs. However the Committee decided that the Council could exercise discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing. The Committee did not consider it appropriate to introduce an upper age or mileage limit.”

- 2.8 Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides:

‘that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.’

- 2.9 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting of an extension of the licence. If it is satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

3. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

4. LEGAL

The Committee are required only to ensure that Public Safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

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Hello

I am kindly requesting to grant a renewal for my Vehicle Seat Alhambra Reg ML 60 WRX as it over 10 years old. I am applying for extension as the vehicle is in very good condition and serviced on regular basis therefore very reliable.

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MOT test certificate



Driver & Vehicle
Standards
Agency

① Vehicle identification number
VSSZZZ7NZBV503134

②a Registration number ②b Country of registration
ML60WRX **GB**

Make and model
SEAT ALHAMBRA

⑤ Vehicle category
M1

④ Mileage
703,132 km

Mileage history
667,226 km 06.01.2020
609,680 km 04.01.2019
557,742 km 13.01.2018

⑦ **Pass**

⑧a Date of the test
17.12.2020

⑧b Expiry date
12.01.2022

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 13.12.2021.

⑨a Location of the test
UNIT 1, WALDRONS FARM BUSINESS UNITS, SIDMOUTH ROAD, FARRINGDON, EX5 2JX

⑨b Testing organisation and inspector name
**S002955 BIG SKY MOT SERVICE & REPAIR
J. MACKEEN**

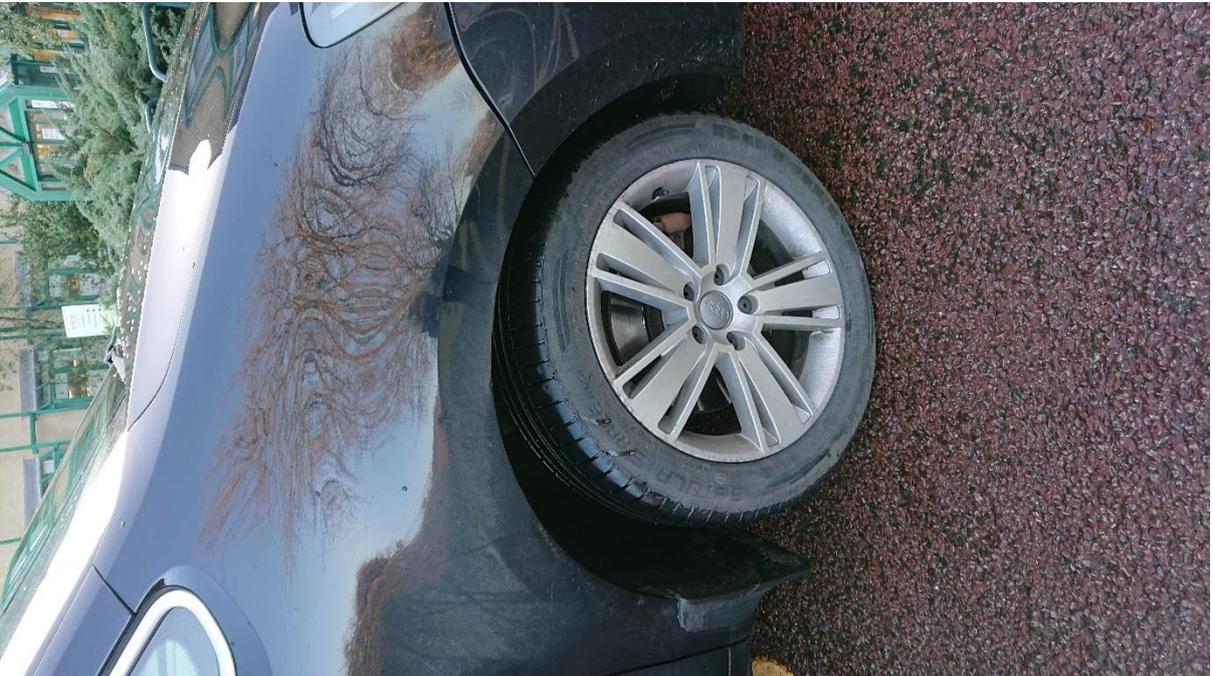
MOT test number
2479 2301 5007

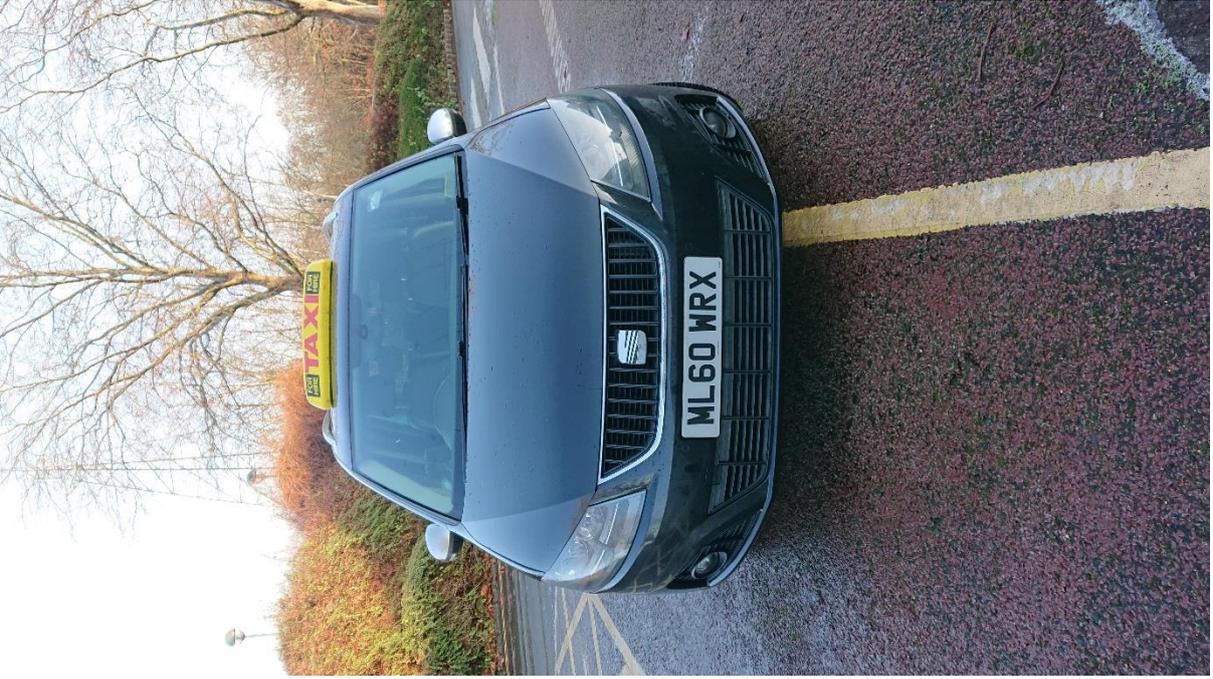
Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvs.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.

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Teignbridge District Council - Vehicle Inspection Sheet

Annual 6 Monthly 4 Monthly MOT

Hackney Carriage/Private Hire
Plate No H254

Owner [Signature]
Mileage 703346 km No. Passengers 6

Date 18/12/2020
Registration No ML60WRX

	Pass	Fail	Re-Tested	Comments
Steering and Suspension				
1 Steering Control	//			[Signature] 1st front clip in windscreen
2 Steering Mechanism/System	//			
3 Power Steering	//			
4 Transmission Shaft	//			
5 Wheel Bearings	//			
6 Front Suspension	//			
7 Rear Suspension	//			
8 Shock Absorbers	//			
Lighting Equipment				
9 Front and Rear Lamps etc.	//			
10 Headlamps	//			
11 Headlamp Aim	//			
12 Stop Lamps	//			
13 Rear Reflectors	//			
14 Direction Indicators	//			
15 Hazard Lamps	//			
Braking System				
17 ABS Warning System/Controls	//			
18 Condition of Service Brake System	//			
19 Conditions of Parking Brake System	//			
20 Service Brake Performance	//			
21 Parking Brake Performance	//			
22 Efficiency - Footbrake <u>77</u> %	//			
23 Efficiency - Handbrake <u>79</u> %	//			
Tyres & Wheels				
24 Tyre Type & Condition	//			
25 Road Wheels	//			
General				
26 Compliance with current MOT reqs.	//			
27 Seatbelts Mountings/Operation	//			
28 Horn	//			
29 Exhaust Systems	//			
30 Exhaust Emission (Printout)	//			
31 Vehicle Condition Interior	//			
32 Vehicle Condition Exterior	//			
33 Seat condition	//			
34 Luggage space	//			
35 Doors/Locks operational	//			
36 Mirrors & View of the road	//			
37 Fuel System	//			
38 Speedometer operational	//			
39 Excise Licence/Date	//			01 May 2021
40 Fire Extinguisher with Sticker	//			
41 First Aid Kit with Sticker	//			
42 No Smoking Stickers	//			
43 Rooflight Operational	//			
44 Current MOT/Date	//			12 January 2022
45 Meter Fitted & Tested	//			
46 Fuel & Oil Leaks	//			
47 Tariff Card Displayed	//			
48 Livery Compliant	//			
49 Windows Operational	//			

Brake Test Results	
NSF <u>242</u> ✓	OSF <u>406</u> ✓
NSR <u>318</u> ✓	OSR <u>313</u> ✓
NSH <u>277</u> ✓	OSH <u>280</u> ✓
Brake Weight	<u>1930</u>
Emission Test Value	<u>1.50</u>
Re-show Items	
Date due by	

Certificate

I hereby certify that I have carried out the various examinations of the vehicle as scheduled and the vehicle has **PASSED** ~~FAILED~~
I have also checked the fare/meter over a prescribed distance and it is correct

Signed: [Signature]
Print Name [Name]
Passed Re-Test
Signed _____

Date 18/12/2020
Date _____

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