



**Committee:** LICENSING COMMITTEE

**Date:** THURSDAY, 29 AUGUST 2019

**Venue:** LANCASTER TOWN HALL

**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 6 June 2019 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

### **Matters for Decision**

#### **Exclusion of the Press and Public**

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Councillors are reminded that, whilst the following item has been marked as exempt, it is for the Committee to decide whether or not to consider it in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

6. **Existing Dual Driver's Licence Holder - Steven Fred Towers** (Pages 1 - 5)

Report of the Licensing Manager

**The press and public will be readmitted to the meeting at this point.**

7. **Review of Licensing Fees for Animal-related Licensing** (Pages 6 - 14)

Report of the Director for Communities & the Environment

8. **Vehicle Licensing - Exemption Request - Mr. John Taylor** (Pages 15 - 19)

Report of the Licensing Manager

9. **Vehicle Licensing - Exemption Request - Mr. Nigel Ralphson** (Pages 20 - 33)

Report of the Licensing Manager

10. **Hackney Carriage Fare Review 2019** (Pages 34 - 40)

Report of the Licensing Manager

11. **Guidance on Determining the Suitability of Applicants and Licensees for Hackney Carriage and Private Hire Licences** (Pages 41 - 161)

Report of the Licensing Manager

**ADMINISTRATIVE ARRANGEMENTS**

(i) **Membership**

Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Richard Austen-Baker, Merv Evans, Kevin Frea, Mike Greenall, Joan Jackson, Abi Mills, Jean Parr and Joyce Pritchard

(ii) **Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

(iii) **Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone (01524) 582170, or email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

KIERAN KEANE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Monday, 19 August 2019.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

**LICENSING COMMITTEE****Review of Licensing Fees for Animal-related Licensing  
29 August 2019****Report of Director for Communities & the Environment****PURPOSE OF REPORT**

To review the costs and licensing fees for animal-related licensing to enable Members to approve the level of fee for 2019/20, giving particular consideration to substantive changes introduced by The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018.

**This report is public.**

**RECOMMENDATIONS**

- (1) **That the licensing fees for animal-related licences be determined for 2019/20 on consideration of the information and options contained within this report.**

**1.0 Introduction**

- 1.1 This report is concerned with the setting of the level of licence fees for 2019/20 for the following licensable activities introduced by The Animal Welfare (Licensing of Activities Involving Animals)(England ) Regulations 2018:-

- Selling animals as pets
- Boarding for cats or dogs in kennels or catteries
- Home boarding for dogs
- Arranging boarding for dogs or cats
- Day care for dogs
- Hiring out horses
- Dog breeding
- Keeping or training animals for exhibition

together with the following activities licensable under pre-existing legislation:-

- Keeping dangerous wild animals (Dangerous Wild Animals Act 1976)
- Operating a zoo (Zoo Licensing Act 1981)

Animal licensing is a statutory duty for the local authority.

- 1.2 It is currently assumed that there will be in the region of 60 licensable activities needing licensing during 2019/20.

**2.0 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

2.1 These regulations bring under one umbrella the eight activities listed in 1.1 which were previously regulated by various pieces of statute. The regulations came into force on 1 October 2018 with very short notice from Defra. As they completely change the licensing regime, this resulted in local authorities having very little time to prepare for the implications.

2.2 The changes include:-

- The introduction of licensing for 'Keeping or Training Animals for Exhibition' as a function of the district council. This replaces Performing Animals Registration which was a function of the county council.
- The introduction of licensing for 'Arranging Boarding for Cats or Dogs'. This applies for example to home boarding franchises who arrange customers for their hosts.
- A risk-based system that must be used when issuing licences, with the exception of 'Keeping or Training Animals for exhibition' where all licences are issued for three years. This system is used to determine both the length of licence, which may be one, two or three years; and the star rating, which may be one to five stars.
- From October 2021 inspectors must hold a suitable qualification.
- Inspectors must prepare comprehensive inspection reports.
- The local authority must submit an annual return to the Secretary of State.
- New conditions must now be met by activity operators, including 'Minimum standards' which must be complied with before a licence can be issued, and optional 'Higher standards', which may lead to a higher star rating being awarded.
- The Minimum Standards require activity operators to produce comprehensive documenting of policies, procedures and record-keeping, to the local authority's satisfaction.
- Local authorities must now advise licence holders in writing three months before their licence expires that they will need to renew it. The licence holder must apply for the renewed licence at least ten weeks before their current licence expires. Local authorities must carry out an inspection before renewing the licence. As most current licences run from 1 January this timescale means the majority of inspections will have to be carried out within the same very short window of time.
- New licences, however, no longer run from 1 January to 31 December. Instead they will commence from the date of issue.
- The local authority must have in place an appeals procedure for businesses to dispute their star rating. The costs of any additional inspections related to the appeal will be borne by the applicant unless it results in a higher rating being awarded.
- The local authority must have a procedure in place for undertaking re-inspections at the request of the business for re-assessing their star rating. The business will be required to pay for the costs of the inspection.
- The licence holder may apply to have a licence varied and the costs of this may

be re-charged

### 3.0 Setting Fees

3.1 The regulations set out what a local authority may charge fees for:-

- a) The costs of consideration of an application, including any inspection relating to that consideration;
- b) The reasonable anticipated costs of consideration of a licence holder's compliance with the regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- d) The reasonable anticipated costs of the local authority compiling and submitting the data required to the Secretary of State.

3.2 The council's Fees & Charges Policy states that when setting charges, the general aim is to cover the cost of the service, accurately reflecting the full cost of provision including recharges. This ensures that those benefitting from the activities permitted by holding a licence should not be subsidised by local tax payers.

3.3 The methodology used to calculate fees is to allocate officer time against each of the elements involved in processing the licence application and in monitoring and enforcing against unlicensed and licensed operators. The appropriate proportion of an hourly rate (constructed from direct costs and indirect costs for all officers involved in the process) is applied and totalled to give a cost per licence.

3.4 The time allocations of the officers involved in animal licensing have been monitored over the period 1 April 2018 – 31 March 2019, and used in the calculations described in 3.3. The resulting cost per licence is set out in **Appendix 1**.

3.5 This was an extremely difficult period for staff who, at very short notice, had to familiarise both themselves and licence holders with the complex new licensing regime, and set up the necessary systems. It is anticipated that future years will be less time-intensive and the time allocations used in the calculations were therefore adjusted down to allow for this.

3.6 **Appendix 2** compares the calculated cost of each licence to the current licence fee and shows the percentage change.

### 4.0 Proposal

4.1 There are substantial increases in the calculated costs of the new licences due to increased officer time. The reasons for this are due to the changes introduced by the new Regulations as detailed in 2.2. The increased workload resulting from the new regulations has to date been absorbed within the dog warden service and by employing external contractors, however this is not sustainable for future years.

4.2 Members may feel that full-cost recovery as set out in Appendix 1 could be a challenge for small businesses requiring these licences, however this income is essential in future, to fund additional resources for the animal licensing function. An animal licensing part-time post was in place until three years ago, but when the postholder left, this post was



absorbed into the dog warden service. The increase in workload introduced by the new regulations, together with a general increased workload in dog warden and reactive animal licensing issues, mean this is no longer achievable.

- 4.3 It is proposed that the 2019/20 fees be set to achieve full cost recovery.
- 4.4 The majority of current licences came up for renewal on 1 January 2019, as prescribed under the old licencing legislation. Although these licences were issued under the new regulations (these having been introduced on 1 October 2018), the fees charged were those previously set for 2018/19 and did not reflect the increased workloads involved for staff. Most current licence holders have been granted licences for periods of two or three years but have only paid the 2018/19 one-year fee. They have been advised that additional payments are likely to be required once the new fees are set.
- 4.5 Similarly, a number of licence holders operate multiple activities from a single site, for example, dog boarding, cat boarding and dog daycare. Under the old legislation this was covered by one licence and one fee under the Animal Boarding Establishments Act 1963. Under the new regulations the different activities are considered separately and will each require a separate fee. It will, however, take proportionately less time for officers to inspect multiple activities on the same site and it is therefore proposed to charge full fee for the first activity plus 50% of the fees of any additional activities. Additional payments are likely to be required from these licence holders once the new fees are set.
- 4.6 Zoo licensing and Dangerous Wild Animal licensing, although not affected by the new regulations, are included in the costing calculations.

## 5.0 Details of Consultation

- 5.1 In September 2018 the animal licensing staff organised a seminar for licence holders, to explain the new Regulations and their implications. During discussions, licence holders accepted that the licensing function would in future be much more onerous for the local authority and that this was likely to be reflected in future fee-setting.
- 5.2 **Appendix 3** sets out a comparison of the fees set by other local authorities under the new regulations. To simplify the information received, the comparison relates only to new one-year licences (although in the case of one or two local authorities this was not clearly identifiable).

## 6.0 Options and Options Analysis (including risk assessment)

The options are:-

**Option 1** Fully recover all costs by charging the fees set out in Appendix 1.

**Option 2** Increase fees by 2.1% in line with inflation.

**Option 3** Propose an alternative fee structure.

	<b>Option 1: Fully recover all costs</b>	<b>Option 2: Increase fees by 2.1% inflation</b>	<b>Option 3: Propose an alternative fee structure</b>
Advantages	<b>Results in increased income, necessary to fund the additional</b>	<b>More affordable for operators, many of</b>	<b>Members may wish to increase fees by more than 2.1% but</b>

	resources needed for the council to implement the new regulations.  Consistent with increases to other licensing fees within council	whom are small businesses	below full cost recovery level, which would be more affordable for the operators
Disadvantages	Substantial price increase for most operators, many of whom are small businesses	Does not recover the cost of providing the service, leading to the council subsidising the cost of the animal licensing function	As Option 2 but to a lesser degree  Alternative options would need to be further appraised to determine full budgetary impact for the Council
Risks	Price increase may encourage unlicensed activity, hence risk to animal welfare.  Increase in unlicensed activity requires additional reactive investigation and enforcement by officers	None identified	As Option 1 but to a lesser degree

### Officer Preferred Option

Option 1 is the Officer Preferred Option

## 7.0 Conclusion

- 7.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 have introduced a new regime for animal licensing, substantially increasing the workloads of animal licensing staff. This function cannot be carried out without additional resources, and full cost recovery is necessary in order to fund the additional resources.

### CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

None applicable to this report.

### LEGAL IMPLICATIONS

The legal basis for the setting of fees is contained within the report.

**FINANCIAL IMPLICATIONS**

Members are reminded that animal licensing is a statutory function legislated by the relevant Acts listed within the report, although it is for the Local Authority to determine the appropriate charge.

The Council has not previously been recovering its costs on Animal Licensing. A review of the charges, taking into account the new legislation, has been undertaken and the table below shows the income that would be generated should Option 1 – to fully recover all costs be selected. Over the next four years and beyond, licensing income will increase but will also be subject to annual fluctuation due to licences being issued as 1, 2 or 3 year licences from date of issue. Previously they were mainly for 1 year and the renewal date was 1<sup>st</sup> January. Zoo Licences can be up to 6 year Licences.

As renewals on the 1<sup>st</sup> January, 2019 were issued at the old rate there would need to be an income adjustment for the difference between the new rate and the old rate. This income will fall into 2019/20 and the amount recovered will depend on which Option is selected.

Licence Type	Estimated Income 2019/20	Estimated Income 2020/21	Estimated Income 2021/22	Estimated Income 2022/23
Selling Animals	£194	£483	£1,698	£483
Home Boarding	£2,191	£4,218	£4,890	£4,218
Dog Day care	£654	£0	£654	£0
Commercial Boarding	£859	£3,694	£2,133	£3,694
Dog Breeding	£1,626	£1,985	£3,254	£1,985
Exhibiting Animals	£1,748	£0	£0	£1,748
Hiring Horses	£0	£375	£986	£375
Operating a Zoo	£0	£0	£802	£0
<b>Full Cost Recovery</b>	<b>£7,271</b>	<b>£10,756</b>	<b>£14,418</b>	<b>£12,504</b>
Budgeted Income	£7,200	£7,300	£7,500	£7,700
Additional income	£71	£3,456	£6,918	£4,804

Option 2 - a 2.1% incremental increase would not slot easily into the new classifications and multiple years. For the basis of calculation, it has been assumed that the current flat rate would be multiplied up for each year and in many cases would be the same for new and renewals giving no incentive to good providers. On this basis, and over time, income will remain as budgeted but annual fluctuations would occur depending on renewal dates and lengths of future renewals.

With regard to either option the future years budget will require updating and this will be done as part of the forthcoming budget process

Should members opt for a different fee structure/percentage then this would need to be calculated accordingly and reported back at a later date.

**SECTION 151 OFFICER'S COMMENTS**

The 151 Officer has been consulted and has no further comment.

**MONITORING OFFICER'S COMMENTS**

The Licensing Committee's terms of reference provide that the Committee is "to set the levels of any fee for an approval, consent, licence, permit, notice, order or registration which is the responsibility of the Committee."

Animal related licensing is a matter within the responsibility of the Committee.

**BACKGROUND PAPERS**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 – Procedural guidance notes for local authorities – October 2018 - DEFRA

**Contact Officer:** Sue Clowes

**Telephone:** 01524 582740

**Email:** sclowes@lancaster.gov.uk

**Ref:** LC1

## APPENDIX 1

## FULL COST RECOVERY PROPOSED FEES 2019/20

Type of Licence	New 1 year	New 2 year	New 3 year	New 4 year	Renewal 1 year	Renewal 2 year	Renewal 3 year	Renewal 4 year	Renewal 5 year	Renewal 6 year
Selling Animals	£248.80	£342.90			£193.70	£289.60	£376.00			
Home Boarding	£233.00	£327.10			£193.70	£289.60	£385.60			
Dog Daycare	£233.00	£327.10			£193.70	£289.60	£385.60			
Animal Boarding	£264.50	£374.30			£209.40	£321.10	£432.80			
Breeding Dogs	£264.50	£358.60	£452.70		£209.40	£305.40	£391.70			
Dangerous Wild Animals	£247.00				£184.10	£254.40				
Exhibiting Animals			£436.90				£376.00			
Hiring Horses	£280.20	£405.80			£225.20	£375.40	£493.20			
Operating a Zoo	£341.40	£441.50	£541.70	£657.60	£231.30	£332.50	£465.10	£566.30	£667.60	£802.00
Variation of Licence	£31.50									
Appeals against rating	£117.20									
Re-inspection	£62.90									

## APPENDIX 2

## FULL COST RECOVERY V CURRENT COSTS

Animal Licensing Fees	2018/19 Fee	2019/20 Fee	% change
Animal Boarding Licence Commercial	£160.80	£209.40	30%
Animal Boarding Licence Home Boarding	£105.90	£193.71	83%
Dangerous Wild Animals + vets fees (new 1 year)	£780.70	£247.00	-68%
Dangerous Wild Animals + vets fees (renewal 2 years)	£229.60	£184.10	-20%
Dog Breeders Licence + vet fees (new)	£155.00	£264.50	71%
Dog Breeders Licence (renewal)	£155.00	£209.40	35%
Horse Riding Establishment Licence + vet fees	£155.00	£225.20	45%
Pet Shop Licence	£160.80	£193.70	20%
Zoo Licence + vet fees (new 4 years)	£166.50	£341.40	105%
Zoo Licence (renewal 6 years)	£166.50	£231.30	39%
Exhibiting Animals	£155.00	New	

Note: difficult to do as classification and time period of licence has changed  
 As most were previously **1 year renewals** the 2019/20 is based on that

**ANIMAL LICENSING FEES 2019**

**Fee for New 1-Year Licence**

	<b>Lancaster</b>	<b>Preston</b>	<b>Rossendale</b>	<b>Ribble Valley</b>	<b>Burnley</b>	<b>Pendle</b>	<b>Bury</b>
<b>Boarding in Kennels/Cattery</b>	£264.50	£370	£380	£344	£190	£302	£410
<b>Home Boarding</b>	£233.05	£240	£384	£283	£159	£302	£295
<b>Dog Daycare</b>	£233.05	£370	£380	£283	£188	£302	£320
<b>Dog Breeding</b>	£264.50	£265	£419	£344	£148	£422	£365
<b>Selling Animals as Pets</b>	£248.80	£265	£380	£237	£179	£245	£290
<b>Hiring Horses</b>	£280.20	£527	£419	£453	£98	£461	£425
<b>Exhibiting Animals</b>	£436.90 (3-year)	£198	£380	£234	£154	£278	£275
<b>Zoo</b>	£657.60 (4-year)		£358		£473		£1,365
<b>Dangerous Wild Animals</b>	£247.00		£149		£171		£417
<b>Variation fee</b>	£31.50			£76			£50/hour
<b>Appeals</b>	£117.20					£266	£56/hour
<b>Re-rating Request</b>	£62.90					£106	£33/hour

**LICENSING COMMITTEE**

**Local Government (Miscellaneous Provisions) Act 1976  
Vehicle Licensing – Exemption Request –  
Mr. John Taylor**

**Executive Hire Exemption Notice for Private Hire Vehicles  
Section 75 (3) Local Government (Miscellaneous  
Provisions) Act 1976  
29<sup>th</sup> August 2019**

**Report of the Licensing Manager**

**PURPOSE OF REPORT**

For Members to consider a request from Mr John Taylor to issue his private hire vehicle with a s75(3) exemption notice. The notice would exempt the vehicle from displaying licence plates.

Members should also consider the request to waiver the conditions relating to door signs and stickers.

**The report is public**

**RECOMMENDATIONS**

**That Members consider the request from Mr John Taylor to issue his private hire vehicle with a s75(3) exemption notice. Consideration should also be given to waiver the vehicle licence conditions relating to door signs and stickers.**

**1.0 Background**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District Council the discretion to grant a proprietor an exemption from displaying the licence plates on their licensed private hire vehicle.
- 1.2 A request has been received from John Taylor to exempt the requirement to display licence plates on his private hire vehicle, in addition Mr Taylor has requested that conditions relating to the display of door-signs and stickers are waived.
- 1.3 Historically, exemptions have not been be granted as a matter of course. A clear case for the exemption has had to be made by the proprietor. In determining an application, it will normally be the status of the passenger and the executive nature of

the work that will indicate whether or not the exemption should be granted. The high quality of the vehicle being used will be supportive of an application, but has not been the sole determining factor.

- 1.4 Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include for example Mercedes, BMW, Audi, Jaguar and Lexus models. Members may wish to provide a prescriptive list of acceptable vehicles, but this may be subjective and will require frequent updates.
- 1.5 Examples of the type of work, which is considered to be executive vehicle hire, are as follows:
- Corporate bookings to transport employees and clients on business related journeys.
  - Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.
- 1.6 Mr Taylor's letter outlining his request and business model is attached at **Appendix 1**.
- 1.7 Mr Taylor has been invited to attend Licensing Committee to provide supplementary information regarding his request and also present the vehicle to which his request relates for Members' inspection.

## **2.0 Options**

- 2.1 Options available to members are as follows:
- 1) To issue an s75 (3) exemption notice;
  - 2) To refuse to issue the s75 (3) exemption notice; and
  - 3) To approve or reject the request to waiver the vehicle licence conditions relating to door signs and stickers.

## **3.0 Conclusion**

- 3.1 Members are asked to consider each vehicle on a case-by-case, individual basis and decide whether they are satisfied to allow the exemption of display of licence plates and waiver of the standard vehicle licence requirement relating to door-signs and stickers.
- 3.2 Consideration should be given to the vehicle's suitability in terms of its executive status. Relevant considerations as to whether a vehicle is an executive hire car include, but are not limited to, cost, reputation, specification, appearance, perception and superior comfort levels.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>
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None.



**FINANCIAL IMPLICATIONS**

Financial Services have not been consulted, as there are no financial implications.

**LEGAL IMPLICATIONS**

There is no right of appeal against the decision to refuse to grant an exemption under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. However, the requirement to display additional signage over the plate is a condition to which any person aggrieved has a right to appeal to the Magistrates' Court within 21 days of the grant of the licence under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976.

**BACKGROUND PAPERS**

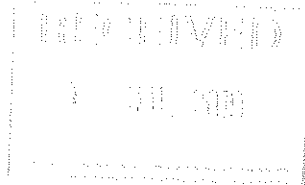
None.

**Contact Officer:** Jennifer Curtis

**Telephone:** 01524 582732

**E-mail:** jcurtis@lancaster.gov.uk

**Ref:** JC



**Lune Valley Taxi Services**

**16 Vicarage Avenue**

**Brookhouse**

**Lancaster**

**LA2 9NT**

**Telephone: 07791703258**

**Email: johnbtaylor17@gmail.com**

**Licensing Committee**

Morecambe Town Hall

Marine Road East

LA4 5AF

**10<sup>th</sup> July 2019**

**Re: Request for exemption from displaying stickers/ plates on the doors of my private hire vehicle**

To whom it may concern,

I am an independent, local private hire company – Lune Valley Taxi Services.

Over the past three years, I have built up my business to be able to take some high end clients to and from private events.

On more than one occasion, I have been asked if there would be any way that I could collect clients in a minibus without stickers visible on the vehicle.

Some of my clients have been local businessmen and women and I do regular work for a member of a well-known band who I transport to and from the airport and to gigs and festivals across the UK. One of my clients is Mr. D. Dean, former chairman of Arsenal football club.

Other work I have had, has included driving a client to the airport where they had chartered their own plane for a return flight to Guernsey to watch a rugby match. I also picked up a band member from Silverstone G.P. track, where I needed to drive in and park behind the main stage so he could get in quickly and not be bothered by fans. I have also done some work for a business in the area where I drive to Rolls Royce in Derby. I regularly pick up and drop off professors from the University who are visiting Lancaster/ travelling to other Universities

Most of my other work is dropping off at and picking up from airports across the country.

When I carry out this work, I wear a shirt and tie and I pride myself on the cleanliness of my vehicle. I mention this to clients when they book and they do use me again because of this. These clients often pay by BACS or cheque and some run an account. I send them an invoice or receipt as requested.

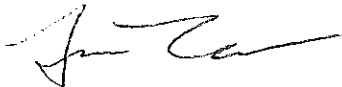
I would like to ask for your consideration regarding the placement of stickers on the doors of my vehicle and the plates to the front and back of my vehicle.

In August, I am taking delivery of a new high end minibus which I would like to be used as an executive type of private hire transport for these clients.

I believe that my business has grown through word of mouth over the last three years because of the service I provide for my customers.

Thank you for your kind consideration of my request. If you require any further information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Taylor', with a stylized flourish at the end.

John Taylor

Lune Valley Taxi Services

**LICENSING COMMITTEE**

**Local Government (Miscellaneous Provisions) Act 1976  
Vehicle Licensing – Exemption Request –  
Mr. Nigel Ralphson  
Executive Hire Exemption Notice for Private Hire Vehicles  
Section 75 (3) Local Government (Miscellaneous  
Provisions) Act 1976  
29<sup>th</sup> August 2019**

**Report of the Licensing Manager**

**PURPOSE OF REPORT**

For Members to consider a request from Mr Nigel Ralphson to issue his private hire vehicle with a s75(3) exemption notice. The notice would exempt the vehicle from displaying licence plates.

Members should also consider the request to waiver the conditions relating to door signs and stickers.

**The report is public**

**RECOMMENDATIONS**

**That Members consider the request from Mr Nigel Ralphson to issue his private hire vehicle with a s75(3) exemption notice. Consideration should also be given to waiver the vehicle licence conditions relating to door signs and stickers.**

**1.0 Background**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a district Council the discretion to grant a proprietor an exemption from displaying the licence plates on their licensed private hire vehicle.
- 1.2 A request has been received from Nigel Ralphson to exempt the requirement to display licence plates on his private hire vehicle. In addition Mr Ralphson has requested that conditions relating to the display of door-signs and stickers are waived.
- 1.3 Historically, exemptions have not been granted as a matter of course. A clear case for the exemption has had to be made by the proprietor. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the exemption should be granted. The high quality of

the vehicle being used will be supportive of an application, but has not been the sole determining factor.

- 1.4 Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include, for example, Mercedes, BMW, Audi, Jaguar and Lexus models. Members may wish to provide a prescriptive list of acceptable vehicles but this may be subjective and will require frequent updates.
- 1.5 Examples of the type of work, which is considered to be executive vehicle hire, are as follows:
- Corporate bookings to transport employees and clients on business related journeys.
  - Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.
- 1.6 Mr Ralphson's letter outlining his request and business model is attached at **Appendix 1**.
- 1.7 Mr Ralphson has been invited to attend Licensing Committee to provide supplementary information regarding his request and also present the vehicle to which his request relates for members inspection.

## **2.0 Options**

- 2.1 Options available to Members are as follows:
- 1) To issue a s75 (3) exemption notice.
  - 2) To refuse to issue the s75 (3) exemption notice; and
  - 3) To approve or reject the request to waiver the vehicle licence conditions relating to door signs and stickers.

## **3.0 Conclusion**

- 3.1 Members are asked to consider each vehicle on a case-by-case individual basis and decide whether they are satisfied to allow the exemption of display of licence plates and waiver of the standard vehicle licence requirement relating to door-signs and stickers.
- 3.2 Consideration should be given to the vehicle's suitability in terms of its executive status. Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

**FINANCIAL IMPLICATIONS**

Financial Services have not been consulted, as there are no financial implications.

**LEGAL IMPLICATIONS**

There is no right of appeal against the decision to refuse to grant an exemption under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. However, the requirement to display additional signage over the plate is a condition to which any person aggrieved has a right to appeal to the Magistrates' Court within 21 days of the grant of the licence under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976.

**BACKGROUND PAPERS**

None.

**Contact Officer:** Jennifer Curtis

**Telephone:** 01524 582732

**E-mail:** jcurtis@lancaster.gov.uk

**Ref:** JC

15th August 2019

**APPLICATION TO NOT DISPLAY PRIVATE HIRE VEHICLE PLATES**

To whom it may concern,

It is my intention to set up a chauffeur style business offering guests tours of the Lake District. My target clients will be staying at the "high end" establishments in that area and my services will include a tour and lunch/dinner at fine dining restaurants.

To this end I have purchased a vehicle, a Range Rover Vogue, to provide the level of comfort and luxury such guests would expect commensurate with the packages that are offered and the fees charged. I have enclosed photographs of the vehicle which, as can be seen, would not be appropriate for general private hire operation. I have no intention to use the vehicle for such purposes. Hence, my request not to have to display private hire plates as it would not fit with the aesthetic image I am trying to portray for my customers.

I have attached details of my proposed website information to show my intended use of the vehicle.

My background is in policing, having served 28 years with Lancashire Constabulary, mainly in the Lancaster district. I was a sergeant on Roads Policing for 10 years and was qualified up to Security Escort level, the highest driving qualification obtainable. I mention this as I believe it demonstrates my integrity and honesty which I hope the committee will take into account when considering my application.

Kind regards,

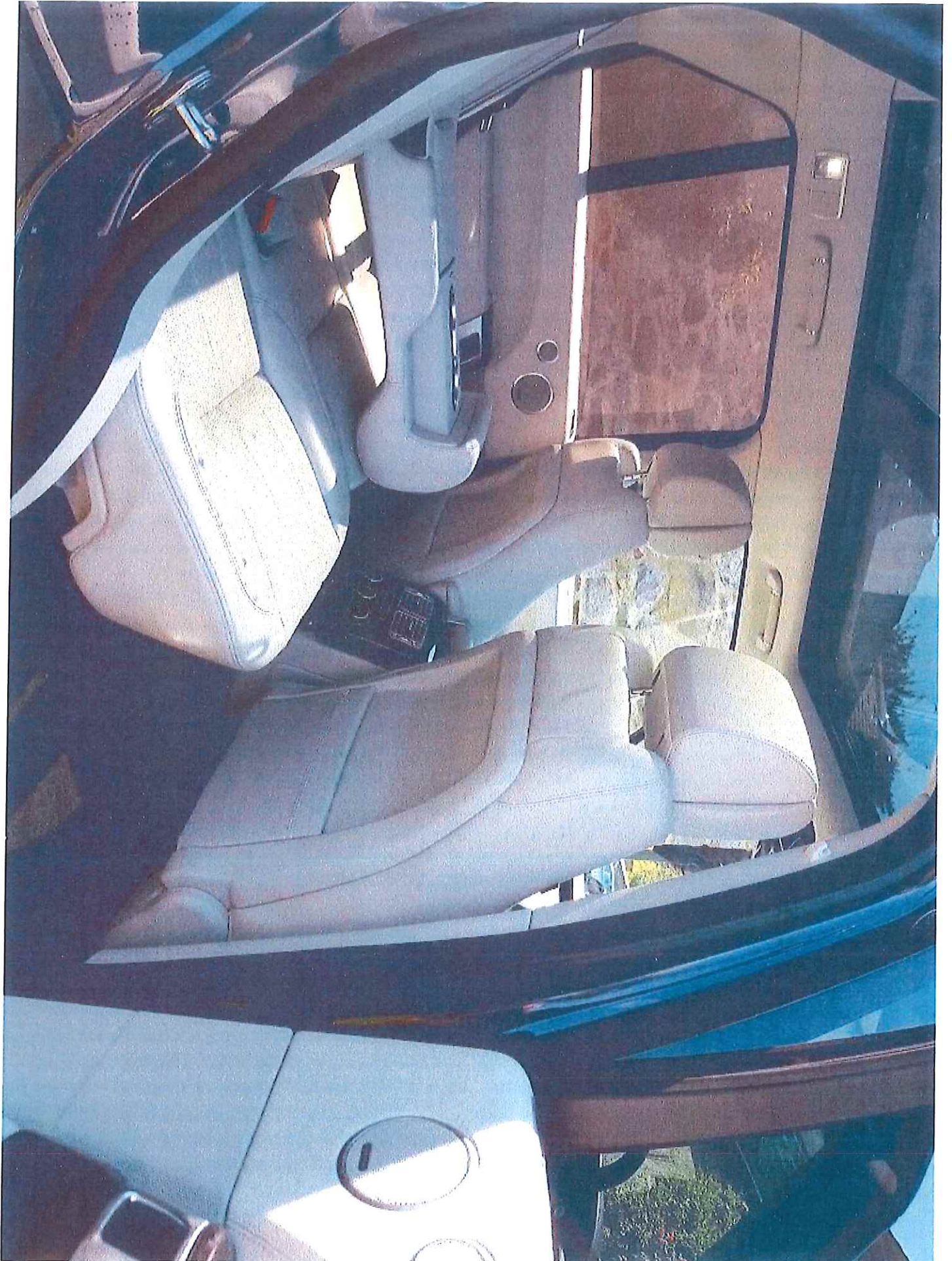
  
  
Nigel Ralphson  
Lake District Car Tours













## **Packages**

The main ethos of our company is to combine beautiful scenic drives with amazing culinary delights. As "foodies" ourselves we know all the best places, whether that's great local produce simply, but mouthwateringly, cooked or the finest high-end restaurants, of which we are blessed with a plethora to choose from, we combine the two to give you a sublime Lakes experience.

Our packages are designed to give you this but we also understand that you may want to do your own thing, have particular places you wish to see, or specific interests. Where possible we can incorporate those into one of our packages. However, we are more than happy to help you create a unique schedule which is personal to you. To assist we've included a list of attractions and viewpoints (see our "Bespoke" list for ideas to aid you).

Why not combine one of our Lakes packages with the Down't Dales package to fully experience this part of the North. We can, of course create an itinerary for any number of days for those who want to explore even further. So, please contact us for further information if this is of interest to you.

## **Silver Package**

Your chauffeur will pick you up at your hotel at a time of your choosing in our modern luxury air-conditioned SUV

Then we begin your adventure as we set off to explore the unique scenery of The Lakes

Stop for morning refreshments and take in the glorious views

Continue to enjoy the stunning vistas as we take you off the tourist routes into the real Lakes enjoying high passes and "off the beaten track" roads only the locals know.

Enjoy an exquisite lunch at a top class restaurant or quintessential Lakes pub

Visit one of the many historic or cultural sites and explore in your own time

Back to the comfort of the SUV to complete the final leg of your exploration of our wonderful landscape before being dropped back off at your hotel in time for dinner

### **Gold Package**

Pick up at your hotel at a time of your choosing in our modern luxury air-conditioned SUV

Begin your adventure as we set off to explore the unique scenery of The Lakes

Stop for morning refreshments and take in the glorious views

Visit our first attraction of the day - this will vary depending on the prevailing weather conditions

Continue to enjoy the stunning vistas as we take you off the tourist routes into the real lakes enjoying high passes and "off the beaten track" roads only the locals know.

Enjoy an exquisite lunch at a Michelin starred restaurant

Next stop is one of the many historic or cultural sites which you can explore in your own time

Back to the comfort of the SUV to complete the final leg of your exploration of our wonderful landscape before being dropped back off at your hotel in time for dinner

### **Platinum Package**

Pick up at your hotel at a time of your choosing in our modern luxury air-conditioned SUV

Begin your adventure as we set off to explore the unique scenery of the South and Central lakes

Stop for morning refreshments and take in the glorious views

Continue to enjoy the stunning vistas as we take you off the tourist routes into the real lakes enjoying high passes and "off the beaten track" roads only the locals know

Visit our first attraction of the day - this will vary depending on the prevailing weather conditions

Enjoy an exquisite lunch at a top class restaurant or quintessential Lakes pub

Next stop is one of the many historic or cultural sites and explore in your own time

Short ride before arriving at another attraction to enjoy at your leisure or enjoy a classic Lakes Afternoon Tea

Return for the final exploration of our wonderful landscape before being dropped back off at your hotel to refresh for the evening ahead

When you're ready we will collect you and take you to a Michelin starred restaurant for a fantastic dinner where you can enjoy the very best of the local produce at its finest.

No time limits....we will be waiting outside for you when you're ready for getting back to your hotel.

### **The Down't Dales Package**

An early pick up at 8am to ensure we make the most of our day in the wonderful North Yorkshire Dales.

A leisurely drive takes us to Kirkby Lonsdale where we will stop for refreshments and a look around this intriguing historic market town.

The Dales is the Yorkshire term for "valleys" and is primarily created from limestone which results in spectacular waterfalls and a world renowned cave system. So, our next stop is to explore the longest show cave in the UK.

Once back in the welcoming daylight we will head out into the Dales "proper" and follow the muscle tearing route of the 2014 Tour de France up the infamous Butter Tubs.

All this will have whipped up your appetite for the unctuous fine dining meal that awaits you in the heart of The Dales.

After lunch we continue to Aysgarth Falls, spectacular in flood but beautiful at all times and then we take a scenic route back, allowing for photographs wherever you feel the urge, arriving back at your hotel in time for dinner.

### **All trips include**

Luxurious travel in a modern air-conditioned Range Rover Vogue chosen for its sublime comfort, soft ride and high seating position, which is equipped with an accessible step.

Highly qualified professional driver who has escorted a variety of VIPs and executives, including Her Majesty Queen Elizabeth II, and who has a very good knowledge of the area.

All meals where stipulated (not including drinks)

All entry fees and ferry fees where applicable

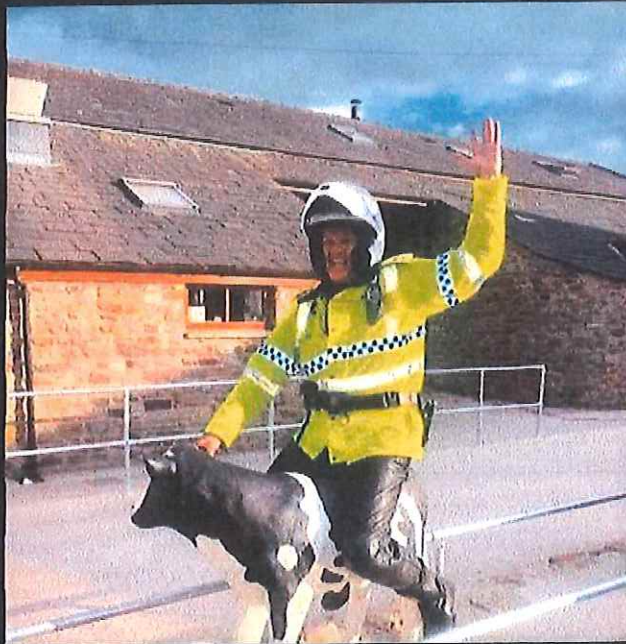
No time limits....when you're done so are we.

Complimentary Lakes gift box to take home (with or without alcohol!)

Package	Silver	Gold	Platinum	Down't Dales
Single	495	595	750	575
Couple	595	795	995	745
Trlo	695	995	1250	945
Four	795	1195	1495	1145



### About Your Chauffeur



My name is Nigel. As you can see I don't take myself too seriously, but I do take you and your trip very seriously!

After a service spanning over 28 years I retired from Lancashire Constabulary in August 2017 with my last position being a Roads Policing Sergeant. I have 25 years of experience as a Class 1 Advanced Police driver and 10 years as a Class 1 Advanced Police motorcyclist trained to VIP escort level. I was involved with security operations for HM The Queen and other members of the Royal family, along with State officials, and have been responsible for route planning and logistics on some of those tours. I also assisted with the planning of other security operations that have involved road transport and access in areas where extra special care has had to be taken with passenger safety. I was also recognised nationally for my contribution to road safety in Lancashire. I am determined, focused and passionate about providing you with a memorable and unforgettable experience. I will almost certainly find a way to visit whatever it is you want to see and when you want to see it as I'm not a man that hears the word 'no' as any kind of challenge! I am well travelled around the world and love meeting new people and cultures.

I possess a great knowledge of the North West, Lake District and Yorkshire Moors and have been fortunate enough to have both trained and worked in these regions and enjoyed the attractions of the area personally. As a lover of all things fine, I would be happy to arrange an itinerary with the time you have available, involving breathtaking views and picture perfect landscapes, coupled with sampling local delicacies and culinary treats! Your schedule is mine — time is valuable so use it wisely! Do what you want to do rather than what others want — simply tell me what you are looking for and I will deliver!



Firstly, do you want to be just one of many similar travellers restricted by the demands of others?

If so, then we would suggest you use the services of the many large booking providers available who give group tours to the most popular attractions. However, these will generally be the busiest areas and, whilst still enjoyable, you can feel as though you're being 'herded' and not given the opportunity to really enjoy the area at your own pace and in your own time.

If being part of a crowd doesn't appeal to you then this is where we come to the fore; providing you with the expertise for you to be an independent explorer, in charge of your own itinerary and schedule, but accompanied by a friendly and knowledgeable guide.

Do you *really* want the responsibility of a rental car?

After a long journey, whether it be by plane or train, what's more relaxing than to step straight into a luxury air-conditioned car, driven by a highly trained professional driver, who will take all the strain away so you can just enjoy a carefree ride to your first destination. Plus, no worrying about additional driving costs, car damage, refuelling or finding somewhere to park near the places you wish to visit.

Not know the roads?

The Lake District's roads, whilst paved, can be hard to negotiate and we know from what visitors tell us that, although they enjoy their "character", some roads are notorious for being narrow, especially in the more rural reaches, where single track roads with small passing spaces have to be carefully navigated. Also, have you ever used satnav to drive locally where you live? Try it! It will never take you on the "best" route or most scenic route that you as a local would know to use. Well, the same applies here. We know ALL the best routes.

Want to explore and see Lake District life for yourself?

We will transport you to areas you will only ever have imagined – either to view from the warmth and comfort of a high spec vehicle or to get out, breathe the air and tread the earth! We can spend 10 minutes at a vista point or 10 hours. That's the beauty of a bespoke tour with us - the choice is yours.

We don't offer packages as we don't want to dictate to you what to do; it's your vacation, not ours! What we do offer is a service whereby you tell us about you, your likes/dislikes; hobbies; interests..... and we help you create a bespoke trip. It can be one day or a week. It's all up to you.



**Are you active?**

Well, we can arrange to drop you off for a walk/cycle ride/sail/segway and arrange a pick up time/location that best suits you.

**Stately homes, famous film locations and historic sites?**

We know them all and will use the most scenic routes to get you there.

**Want to see the most picturesque viewpoints of the mountains and lakes but with the minimum of effort?**

We know those places so that you're not trudging mile after a mile only to find out the best place is on the other side of the hill.

**Are you a foodie?**

The UK in general, but the north of the country (Cumbria and the Yorkshire Dales) in particular, has the highest number of Michelin starred restaurants outside of London and we've visited nearly all of them.... in the name of "research" for you, of course!

**Want to go further afield?**

We're not restricted to "The Lakes" we can easily take you to the heart of "The Dales" in less than an hour. Again, the beauty of our tours is that you're not restricted by an "itinerary" and can change your mind on a whim. Bad weather in The Lakes? No problem, we'll hunt down the good weather. If the weather really isn't on our side we are also only an hour away from the cities of Manchester and Liverpool so your day won't be spoiled. Big day planned but can't be bothered? No worries, we'll have a relaxing easy day.

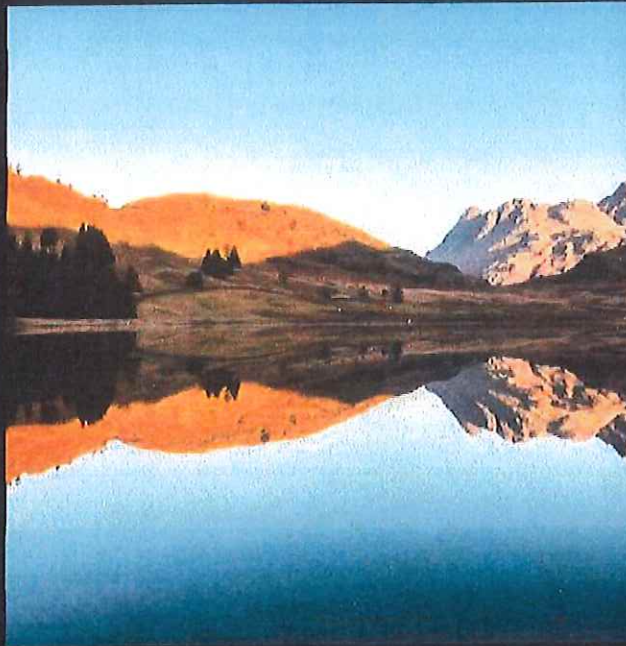
**Want to stay in a different hotel each night?**

No problem, we can facilitate pick up and drop off for you, your luggage or both.

**Whatever you choose we will be sure to give you a one off experience that you will treasure for the rest of your life.**



## What's the Price of Freedom?



We provide you with a personal service of a fully trained driver and executive vehicle.

It's a wonderful experience to drive down quiet smaller roads, to the best viewpoints, to see beautiful mountains & tranquil lakes, visit local attractions and dine at the best place for local food from the comfort and luxury of a premium vehicle and on-hand driver. You're able to see and do much more than on a coach tour!

### The benefits of our service

- Exclusive use for up to 4 people in a luxury British vehicle.
- Highly trained professional driver with over 25 years of professional driving experience.
- A wealth of local knowledge to assist you in arranging hotels, restaurants and activities before or after you arrive.
- A personal and professional service.
- Complete flexibility with respect to time and itinerary.
- Fully insured including public liability.
- Our packages are fully inclusive - no extra costs for meals or entrance fees.
- Airport or Train Station collection/drop off.

### Cost

We offer a fully flexible and bespoke service as well as fixed packages. We're not the cheapest out there but we defy you to find better taking into account what we offer. We're not a 9-5 kind of company either; the clock is irrelevant to us, it's all about providing you with the best possible memories of The Lakes.

We offer three levels of a fixed package which are covered in more detail in our "Packages" section.

Trips further afield are not a problem but we would have to factor in reasonable overnight costs if appropriate..

**LICENSING COMMITTEE****Hackney Carriage Fare Review 2019  
29 August 2019****Report of Licensing Manager****PURPOSE OF REPORT**

This report is to update Members on the proposal to introduce a new fare tariff in relation to licensed hackney carriages operating in the Lancaster district.

Members of the Licensing Committee are required to refer their findings for decision to the next Cabinet meeting.

**This report is public.**

**RECOMMENDATIONS**

- (1) **It is recommended that Members consider the proposal in relation to a new fare tariff for hackney carriages operating in the Lancaster district, and;**
- (2) **Refer their findings to the next Cabinet meeting for approval.**

**1.0 Introduction**

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares within the district for time, distance and all other charges in connection with the hire of a hackney carriage. The table of fares is attached to the inside of a hackney carriage; this allows members of the public to view all charges when hiring a vehicle
- 1.2 The current table of fares is attached at **Appendix 1**.
- 1.3 The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee are required to refer any decision to Cabinet for approval.

**2.0 Background**

- 2.1 The current method of setting hackney carriage fares is to annually apply retail price index (RPI) and ballot drivers of hackney carriages on a potential increase, asking for a Yes/No response to the proposed tariff change. Assuming that a positive response is received from the ballot to adopt the revised fare charges, the statutory

requirement for advertisement and consultation is then followed before an updated table of fares published, coming into effect on a specified date.

- 2.2 This method of reviewing fares was first adopted by this Council in February 2014 when the proposal to use the RPI model was reported to Licensing Regulatory Committee. The main reason for proposing this model for reviewing fares was that no other suitable mechanism could be found that all parties could agree on.
- 2.3 At a meeting of the Licensing Regulatory Committee on 1st June 2017, it was resolved that a review be undertaken of the mechanism for applying annual fare increases, comparing the approaches taken elsewhere at similar authorities, and the outcome be reported to the appropriate Committee. Initial results from the research were reported to a meeting of the Committee on 3rd August 2017.
- 2.4 Agreement to set up a Taxi Working Group comprising of Elected Members, Licensing Officers and taxi trade representatives was made at a meeting of the Licensing Regulatory Committee on the 22nd March 2018. One of the priorities for the group was to consider the matter of finding an appropriate mechanism for annually reviewing fare tariffs.

### **3.0 Details of Consultation**

- 3.1 The Licensing Manager has consulted the trade through the Taxi Working Group and more widely, through the trade newsletter to establish if an alternative methodology for setting fares is available; as well as researching other Licensing Authorities and observing their methodology. No standard methods have been identified across Authorities, either regionally or nationally.
- 3.2 Feedback from the trade received through the Taxi Working Group was that applying RPI (RPI) was not a true reflection of the costs associated with setting up and maintaining a business as a hackney carriage proprietor.
- 3.3 At a meeting of the Taxi Working Group on the 5th March 2019 the Licensing Manager highlighted the need for a fare review and asked representatives for suggestions. It was suggested by a member of the trade that a 20p increase on the initial "flag fall" would be most appropriate.
- 3.4 The passenger fees associated with the carriage of luggage, soiling charge and additional passenger charges were also considered by members of the Taxi Working Party. It was agreed such charges were reasonable and proportionate and no amendments were required.
- 3.5 Included at **Appendix 2** is the National Hackney Fares Table (April 2019) as published in Private Hire Monthly trade magazine. The table sets out the fare for a 2-mile journey. Highlighted are the Lancashire and Cumbrian Authorities. Fares range between £4.40 - £6.40.

Currently, two-mile journeys in Lancaster cost passengers £5.60.

The national average two mile hackney fare (tariff one) is £5.88, and as Members will see, in Lancaster, the local tariff shows that the fares are already 7th highest across Lancashire and Cumbria.

#### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> Maintain current table of fares approved in 2017.	<b>Option 2:</b> Apply retail price index (RPI) to current flag fall.	<b>Option 3:</b> Apply 20p increase to flag fall
Advantages	Public are aware of expected fares when hiring a hackney carriage.	This seems to be a general approach across County and Country, although not a common approach to all.	Representatives of the trade supported this approach when discussed at the Taxi Working Group
Disadvantages	The current table of fares has not been reviewed since 2017.	Allows for a minimal increase only (2.1%).	The increase is not supported by an agreed or common methodology that reflects the cost of owning and operating a hackney carriage in the District.
Risks	Drivers may decide to leave the trade, if they decide that the profit is marginal.	Drivers may decide to leave the trade, if they decide that the profit is marginal.	Decrease in business for hackney carriages due to fare adjustments.

#### 5.0 Officer preferred option

- 5.1 Option 3 -
- To apply an increase of 20p to the initial flag fall.
- 5.2 Applying the tariff increase as proposed in option 3, would seem appropriate so as to help ensure that hackney carriage proprietors receive a reasonable increase in fare income. The increase reflects necessary and proportionate adjustments, given that there were no increases in fares last year (2018) and the increase in the previous year was marginal, based on the annual RPI.
- 5.3 Any concerns from members of the public would be addressed through the consultation process by placing a notice in the local press proposing the revised tariff.
- 5.4 An amended table of fares that reflects option 3 is attached at **Appendix 3**.

#### 6.0 Conclusion

- 6.1 There has been no fare increase to the tariff used to calculate hackney carriage fares since 2017, when RPI was applied; that resulted in a marginal increase. In the absence of any alternative mechanism, it is intended that RPI will continue to be used as the default method to calculate increases in future years and the adjusted Tariff will be reported to Licensing Committee before making final recommendations to Cabinet.

- 6.2 The average two-mile journey on tariff 1 would be raised to £5.80, just below the national average.
- 6.4 As this is an Executive decision the Licensing Committee is not the decision making body so must refer this to Cabinet for their approval.
- 6.5 At a recent training event the Commercial Protection Manager spoke with James Button, President of the Institute of Licensing (IoL) regarding the variation between Licensing Authorities' methodology and approach to setting hackney carriage fares. It was agreed that there could be potential to work with the IoL and other Authorities to develop a common approach.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None applicable to this report.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications to the Council as a result of this report.

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no further comments.

**LEGAL IMPLICATIONS**

Pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the advertising requirements are as follows:-

1. Putting a notice in the local paper
2. Notice must specify a date, not less than 14 days from the date that the notice is published to allow for objections and is the date, if no objections are made, that the revised fare will come into force.
3. If objections are made, and not withdrawn the Council must consider those objections and the fares then will come into effect (modified or unmodified) within 2 months of the original date.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

None.

**Contact Officer:** Jennifer Curtis

**Telephone:** 01524 582732

**E-mail:** jcurtis@lancaster.gov.uk

**Ref:** LC2

# **HACKNEY CARRIAGE TABLE OF FARES** **Applicable from 12 noon 1<sup>st</sup> September 2017**



Promoting City, Coast & Countryside

## **Tariff 1**

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	<b>£2.60</b>
For each of the subsequent 310 yards or uncompleted part thereof:	<b>30p</b>
<b>Waiting Time:</b> For each period of 40 seconds or uncompleted part thereof	<b>10p</b>

## **Tariff 2**

For hirings commenced between midnight and 07.00	
For hirings commenced between 19.00 and midnight on the 24 <sup>th</sup> December	
For hirings commenced between 19.00 and midnight on the 31 <sup>st</sup> December	
For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	<b>£3.80</b>
For each subsequent 220 yards or uncompleted part thereof:	<b>30p</b>
<b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof	<b>10p</b>

## **Tariff 3**

For hirings commenced between 00.01 25 <sup>th</sup> December and 07.00 27 <sup>th</sup> December	
For hirings commenced between 00.01 1 <sup>st</sup> January and 07.00 2 <sup>nd</sup> January	
If the distance does not exceed 880 yards for the whole distance:	<b>£5.00</b>
For each subsequent 220 yards or uncompleted part thereof:	<b>40p</b>
<b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof	<b>10p</b>

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	<b>20p</b>
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	<b>20p</b>
<b>Soiling Charge:</b> A charge may be requested if the passenger[s] soils the vehicle. This will not exceed <b>£75.00</b>	

**The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.**

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and  
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick up point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing Section, Environmental Services, Town Hall, Dalton Square, Lancaster, LA1 1PJ. Telephone [01524] 582033. Email [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)



TABLE  
COLOUR CODE

RISE IN 2019
RISE IN 2018
RISE IN 2017
RISE IN 2016
RISE IN 2015
RISE IN 2014
RISE IN 2013
RISE IN 2012
RISE IN 2011
RISE IN 2010
RISE IN 2008
RISE IN 2007
NO SET FARE

# The Bryan Roland Memorial

## NATIONAL HACKNEY FARES TABLE APRIL 2019

POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE
1	LONDON (HEATHROW)	£10.60	66	SOUTH GLOUCESTER	£6.60	131	EAST HERTS	£6.10
2	LUTON AIRPORT	£9.20	67	WAVENEY	£6.60	132	ELMBRIDGE	£6.10
3	WATFORD	£8.40	68	NORTH DEVON	£6.55	133	FYLDE	£6.10
4	EPSOM & EWELL	£7.80	69	ASHFORD	£6.50	134	HASTINGS	£6.10
5	LONDON	£7.80	70	GLASGOW	£6.50	135	NEW FOREST	£6.10
6	BOURNEMOUTH	£7.40	71	MAIDSTONE	£6.50	136	NORTH WARWICK	£6.10
7	MID SUSSEX	£7.40	72	SOUTH CAMBRIDGE	£6.50	137	TAMWORTH	£6.10
8	CARRICK	£7.30	73	SOUTH SOMERSET	£6.50	138	CHARNWOOD	£6.05
9	READING	£7.20	74	WORTHING	£6.50	139	SHETLAND ISLES	£6.05
10	TUNBRIDGE WELLS	£7.20	75	BRISTOL	£6.40	140	ABERDEENSHIRE	£6.00
11	JERSEY	£7.19	76	COUNTY OF HEREFORD	£6.40	141	BASILDON	£6.00
12	DARTFORD	£7.10	77	CREWE & NANTWICH	£6.40	142	BOSTON	£6.00
13	MOLE VALLEY	£7.10	78	EAST HAMPSHIRE	£6.40	143	BRACKNELL FOREST	£6.00
14	PENWITH	£7.10	79	HARLOW	£6.40	144	CANTERBURY	£6.00
15	SEVENOAKS	£7.06	80	LEEDS	£6.40	145	CARMARTHENSHIRE	£6.00
16	HERTSMERE	£7.00	81	MALVERN HILLS	£6.40	146	CASTLE POINT	£6.00
17	POOLE	£7.00	82	OXFORD	£6.40	147	DOVER	£6.00
18	STROUD	£7.00	83	PURBECK	£6.40	148	EAST LINDSEY	£6.00
19	TONBRIDGE & MALLING	£7.00	84	RUSHMOOR	£6.40	149	GLOUCESTER	£6.00
20	WILTSHIRE	£7.00	85	SHEFFIELD	£6.40	150	GREAT YARMOUTH	£6.00
21	RESTORMEL	£6.95	86	SOUTH LAKELAND	£6.40	151	KETTERING	£6.00
22	HARROGATE	£6.90	87	STEVENAGE	£6.40	152	LUTON	£6.00
23	VALE OF WHITE HORSE	£6.90	88	SURREY HEATH	£6.40	153	MILTON KEYNES	£6.00
24	WEALDON	£6.90	89	TENDRING	£6.40	154	NORTH DORSET	£6.00
25	WEYMOUTH & PORTLAND	£6.90	90	WOKING	£6.40	155	PLYMOUTH	£6.00
26	ADUR	£6.80	91	WOKINGHAM	£6.40	156	PRESTON	£6.00
27	BATH & NORTH EAST SOMERSET	£6.80	92	TORBAY	£6.39	157	SLOUGH	£6.00
28	BRIGHTON & HOVE	£6.80	93	EDINBURGH	£6.35	158	SOUTH HAMS	£6.00
29	CARADON	£6.80	94	COVENTRY	£6.30	159	STOCKPORT	£6.00
30	CHELTENHAM	£6.80	95	DACORUM	£6.30	160	TAMESIDE	£6.00
31	CHRISTCHURCH	£6.80	96	EAST DEVON	£6.30	161	TEST VALLEY (x)	£6.00
32	COLCHESTER	£6.80	97	ISLE OF MAN	£6.30	162	THREE RIVERS	£6.00
33	EAST LOTHIAN	£6.80	98	LEWES	£6.30	163	THURROCK	£6.00
34	GUERNSEY	£6.80	99	FOREST OF DEAN	£6.27	164	VALE OF GLAMORGAN	£6.00
35	GUILDFORD	£6.80	100	MIDLOTHIAN	£6.22	165	WARWICK	£6.00
36	HART	£6.80	101	ARGYLL & BUTE	£6.20	166	WEST DORSET	£6.00
37	NORTH CORNWALL	£6.80	102	BIRMINGHAM	£6.20	167	WEST LINDSEY	£6.00
38	NOTTINGHAM	£6.80	103	BRAINTREE	£6.20	168	WIRRAL	£6.00
39	SWALE	£6.80	104	CHICHESTER	£6.20	169	DARLINGTON	£5.95
40	WEST BERKSHIRE	£6.80	105	DERBY	£6.20	170	BABERGH	£5.90
41	YORK	£6.80	106	EAST CAMBRIDGESHIRE	£6.20	171	BASSETLAW	£5.90
42	KERRIER	£6.75	107	HORSHAM	£6.20	172	BROXBORNE	£5.90
43	NUNEATON & BEDWORTH	£6.75	108	IPSWICH	£6.20	173	DUDLEY	£5.90
44	CHELMSFORD	£6.70	109	LINCOLN	£6.20	174	DURHAM COUNTY COUNCIL	£5.90
45	CHESTER	£6.70	110	MENDIP	£6.20	175	MANCHESTER	£5.90
46	EASTLEIGH	£6.70	111	NORTHAMPTON	£6.20	176	NORTHUMBERLAND	£5.90
47	GRAVESHAM	£6.70	112	PORTSMOUTH UA	£6.20	177	SOUTH AYRSHIRE	£5.90
48	ROTHER	£6.70	113	ROCHFORD	£6.20	178	TANDBRIDGE	£5.90
49	SWINDON	£6.70	114	RUNNYMEDE	£6.20	179	WALSALL	£5.90
50	HARBOROUGH	£6.68	115	SEDGEMOOR	£6.20	180	CALDERDALE	£5.85
51	TORRIDGE	£6.62	116	FOLKESTONE & HYTHE	£6.20	181	SCOTTISH BORDERS	£5.85
52	ARUN	£6.60	117	SOLIHULL	£6.20	182	TEWKSBURY	£5.85
53	BASINGSTOKE & DEANE	£6.60	118	SOUTHAMPTON	£6.20	183	BLACKPOOL	£5.80
54	BRENTWOOD	£6.60	119	SOUTHEND ON SEA	£6.20	184	BRIDGEND	£5.80
55	CRAWLEY	£6.60	120	SPELTORNE	£6.20	185	BROMSGROVE	£5.80
56	CAMBRIDGE CITY	£6.60	121	ST ALBANS	£6.20	186	CARLISLE	£5.80
57	EAST DORSET	£6.60	122	STRATFORD ON AVON	£6.20	187	EAST KILBRIDE	£5.80
58	EXETER	£6.60	123	TAUNTON DEANE	£6.20	188	FAREHAM	£5.80
59	FIFE	£6.60	124	TEIGNBRIDGE	£6.20	189	HAVANT	£5.80
60	HIGH PEAK	£6.60	125	WAVERLEY	£6.20	190	HIGHLAND	£5.80
61	MEDWAY	£6.60	126	WEST OXFORD	£6.20	191	LEICESTER	£5.80
62	MORAY	£6.60	127	WINCHESTER	£6.20	192	NEWCASTLE-UPON-TYNE	£5.80
63	NORTH HERTS	£6.60	128	CENTRAL BEDFORDSHIRE	£6.13	193	NORTH LINCOLNSHIRE	£5.80
64	NORWICH	£6.60	129	CARDIFF	£6.10	194	NORTH NORFOLK	£5.80
65	SCARBOROUGH	£6.60	130	CLACKMANNAN	£6.10	195	NORTH TYNESIDE	£5.80

POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE	POSITION	TARIFF ONE COUNCIL	TWO MILE FARE
196	ORKNEY	£5.80	261	SHROPSHIRE	£5.50	326	NORTH LANARKSHIRE	£5.00
197	REIGATE & BANSTEAD	£5.80	262	STAFFORD	£5.50	327	PETERBOROUGH	£5.00
198	RUGBY	£5.80	263	TORFAEN	£5.50	328	ROSSENDALE	£5.00
199	RUTHERGLEN	£5.80	264	CEREDIGION	£5.46	329	SOUTH NORTHANTS	£5.00
200	SELBY	£5.80	265	SALFORD	£5.46	330	STOKE-ON-TRENT UA	£4.95
201	SOUTH RIBBLE	£5.80	266	ALLERDALE	£5.45	331	CHORLEY	£4.90
202	TRAFFORD	£5.80	267	BARROW IN FURNESS	£5.44	332	CORBY	£4.90
203	UTTLESFORD	£5.80	268	CAERPHILLY	£5.40	333	FLINTSHIRE	£4.90
204	WEST SOMERSET	£5.80	269	CHILTERN	£5.40	334	TELFORD & WREKIN	£4.90
205	WEST SUFFOLK	£5.80	270	DUNBARTON & VALE OF LEVEN	£5.40	335	WELLINGBOROUGH	£4.90
206	WINDSOR & MAIDENHEAD	£5.80	271	KINGSTON-UPON-HULL	£5.40	336	WESTERN ISLES	£4.85
207	WORCESTER	£5.80	272	MACCLESFIELD	£5.40	337	ASHFORD	£4.80
208	WYRE	£5.80	273	MID SUFFOLK	£5.40	338	DERBYSHIREDALES	£4.80
209	YNS MON	£5.80	274	NEWARK & SHERWOOD	£5.40	339	HAMILTON	£4.80
210	KINGS LYNN & WEST NORFOLK	£5.76	275	NORTHERN IRELAND	£5.40	340	MANSFIELD	£4.80
211	CHESTERFIELD	£5.75	276	PEMBROKESHIRE	£5.40	341	ROCHDALE	£4.80
212	DONCASTER	£5.75	277	PERTH & KINROSS	£5.40	342	BLACKBURN	£4.70
213	EAST AYRSHIRE	£5.75	278	POWYS	£5.40	343	HYNDBURN	£4.70
214	WYCOMBE	£5.75	279	ROTHERHAM	£5.40	344	WEST LANCASHIRE	£4.70
215	ANGUS	£5.70	280	THANET	£5.40	345	BOLSOVER	£4.60
216	CANNOCK CHASE	£5.70	281	WYCHAVON	£5.40	346	WAKEFIELD	£4.60
217	EASTBOURNE	£5.70	282	COTSWOLD	£5.35	347	BURNLEY	£4.50
218	ISLE OF WIGHT	£5.70	283	EAST DUNBARTONSHIRE	£5.34	348	HARTLEPOOL	£4.50
219	MID DEVON	£5.70	284	BARNSELY	£5.30	349	KNOWSLEY	£4.50
220	MONMOUTHSHIRE	£5.70	285	BLABY	£5.30	350	MERTHYR TYDFIL	£4.50
221	NORTH SOMERSET	£5.70	286	BRADFORD	£5.30	351	REDCAR & CLEVELAND	£4.50
222	RENFREWSHIRE	£5.70	287	CRAVEN (x)	£5.30	352	STOCKTON ON TEES	£4.50
223	RYEDALE (x)	£5.70	288	EAST RENFREW	£5.30	353	OADBY & WIGSTON	£4.40
224	STIRLING	£5.70	289	FENLAND	£5.30	354	PENDLE	£4.40
225	SWANSEA	£5.70	290	LICHFIELD	£5.30	355	AYLESBURY VALE	£4.30
226	WELWYN HATFIELD	£5.70	291	MELTON	£5.30	356	MIDDLESBROUGH	£4.30
227	DUNDEE CITY	£5.66	292	REDDITCH	£5.30	357	NEWCASTLE-UNDER-LYME	£4.20
228	ABERDEEN CITY	£5.60	293	RIBBLE VALLEY	£5.30	358	SOUTH KESTIVEN	£3.50
229	BRECKLAND	£5.60	294	VALE ROYAL	£5.30	359	MALDON	£
230	DENBIGHSHIRE	£5.60	295	WIGAN	£5.30	360	RUTLAND	£
231	GOSPORT	£5.60	296	WYRE FOREST	£5.30	361	SOUTH DERBYSHIRE	£
232	HINCKLEY & BOSWORTH	£5.60	297	BEDFORD	£5.26	362	SOUTH OXFORDSHIRE	£
233	LANCASTER	£5.60	298	BURY	£5.24			
234	LIVERPOOL	£5.60	299	AMBER VALLEY	£5.20			
235	NEWPORT	£5.60	300	BLAENAU GWENT	£5.20			
236	NORTH EAST LINCOLNSHIRE	£5.60	301	BOLTON	£5.20			
237	NORTH KESTIVEN	£5.60	302	CLYDEBANK	£5.20			
238	NORTH WEST LEICESTER	£5.60	303	CONWY	£5.20			
239	RICHMONDSHIRE	£5.60	304	EAST RIDING	£5.20			
240	RUSHCLIFFE	£5.60	305	ELLESMERE PORT	£5.20			
241	SANDWELL	£5.60	306	HALTON	£5.20			
242	SOUTH BUCKINGHAM	£5.60	307	INVERCLYDE	£5.20			
243	SUFFOLK COASTAL	£5.60	308	RHONDDA CYNON TAF	£5.20			
244	SUNDERLAND	£5.60	309	SOUTH LANARKSHIRE (Clydesdale)	£5.20			
245	WEST LOTHIAN	£5.60	310	SOUTH TYNESIDE	£5.20			
246	WOLVERHAMPTON	£5.60	311	STAFFS MOORLANDS	£5.20			
247	WREXHAM	£5.60	312	WARRINGTON	£5.20			
248	CHERWELL	£5.56	313	CONGLETON	£5.10			
249	BROXTOWE	£5.50	314	GATESHEAD	£5.10			
250	DUMFRIES & GALLOWAY	£5.50	315	NORTH AYRSHIRE	£5.10			
251	EAST STAFFORDSHIRE	£5.50	316	SEFTON	£5.10			
252	EDEN	£5.50	317	SOUTH STAFFORDSHIRE	£5.10			
253	EPPING FOREST	£5.50	318	ST HELENS	£5.10			
254	EREWASH	£5.50	319	SOUTH HOLLAND	£5.05			
255	FALKIRK	£5.50	320	COPELAND	£5.00			
256	GEDLING	£5.50	321	DAVENTRY	£5.00			
257	GWYNEDD	£5.50	322	EAST NORTHANTS	£5.00			
258	HAMBLETON	£5.50	323	KIRKLEES	£5.00			
259	HUNTINGDONSHIRE	£5.50	324	NEATH PORT TALBOT	£5.00			
260	OLDHAM	£5.50	325	NORTH EAST DERBYSHIRE	£5.00			

Councils 359-362 do not impose a tariff for their hackney carriages and instead the individual vehicle charges an agreed fare prior to the journey.

**NATIONAL AVERAGE  
TWO MILE HACKNEY FARE  
TARIFF ONE  
IS NOW £5.88**

## PLEASE NOTE

The eagle-eyed amongst you might have noticed that there is no symbol for a fare rise in 2009, this isn't a typo it's just that no councils had a last fare rise in this year.

Where an (x) appears by a listing, it refers to the fact that a fare update has been passed by the council, but the price of our two-mile fare has not increased.

This month St Edmundsbury Council and Forest Heath have merged under a new listing for this table as West Suffolk. This month they are at 205.





## HACKNEY CARRIAGE TABLE OF FARES

### Applicable from 12 noon 1<sup>st</sup> XXXX 2019

#### Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	<b>£2.80</b>
For each of the subsequent 310 yards or uncompleted part thereof:	<b>30p</b>
<b>Waiting Time:</b> For each period of 40 seconds or uncompleted part thereof	<b>10p</b>

#### Tariff 2

For hirings commenced between midnight and 07.00	
For hirings commenced between 19.00 and midnight on the 24 <sup>th</sup> December	
For hirings commenced between 19.00 and midnight on the 31 <sup>st</sup> December	
For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	<b>£4.00</b>
For each subsequent 220 yards or uncompleted part thereof:	<b>30p</b>
<b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof	<b>10p</b>

#### Tariff 3

For hirings commenced between 00.01 25 <sup>th</sup> December and 07.00 27 <sup>th</sup> December	
For hirings commenced between 00.01 1 <sup>st</sup> January and 07.00 2 <sup>nd</sup> January	
If the distance does not exceed 880 yards for the whole distance:	<b>£5.00</b>
For each subsequent 220 yards or uncompleted part thereof:	<b>40p</b>
<b>Waiting time:</b> For each period of 40 seconds or uncompleted part thereof	<b>10p</b>

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	<b>20p</b>
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	<b>20p</b>
<b>Soiling Charge:</b> A charge may be requested if the passenger[s] soils the vehicle. <span style="float: right;"><b>This will not exceed £75.00</b></span>	

**The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. The amount will be set against the metered fare. A receipt will be given.**

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and  
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick up point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing, Public Protection, Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF. Telephone [01524] 582033. Email [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)



<b>LICENSING COMMITTEE</b>
----------------------------

## Hackney Carriage and Private Hire Licensing

### Guidance on Determining the Suitability of Applicants and Licensees for Hackney Carriage and Private Hire Licences. 29<sup>th</sup> August 2019

#### Report of Licensing Manager

<b>PURPOSE OF REPORT</b>
<p>The report seeks Members' approval of the adoption of guidance issued by the Institute of Licensing entitled "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades".</p> <p>The guidance was the catalyst for creating an all-encompassing document that contains all the criteria for applicants wishing to enter the hackney carriage and private hire trades.</p> <p>Highlighted in this report are the key areas of change or development for members to consider.</p>
<p><b>This report is public.</b></p>

#### RECOMMENDATIONS

**It is recommended that Members consider adopting the Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences with immediate effect.**

##### 1.0 Introduction

- 1.1. On 26<sup>th</sup> April 2018 the Institute of Licensing (IoL) launched guidance to assist local authorities in making decisions about the suitability of applicants and licensees in connection with taxi and private hire driver vehicle and operator licences.
- 1.2. The guidance is intended to be used by local authorities as a basis for their own local policies and if widely adopted would achieve greater consistency so that applicants were less able to shop between authorities. That level of consistency could not be fully achieved without the imposition of national minimum standards.
- 1.3. The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount those seeking a living in the trades meet the required minimum standards as set out in the published guidance.
- 1.4. Attached at **Appendix 1** is the IoL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

## 2.0 Background

2.1 Currently staff, applicants and existing licence holders use the following documents as guidance and reference points;

- Rules, regulations and procedures for hackney carriage and private hire licensing (**Appendix 2**) and;
- Statement of policy and guidelines relating to the relevance of convictions, formal/simple cautions, complaints and other matters which may impact on the granting or renewal of a licence (**Appendix 3**).

2.2 The documents contain application information, hackney carriage bye-laws, the code of conduct for hackney carriage and private hire drivers and conditions of licence for vehicles, drivers and operator licences.

The policy statement regarding the relevance of convictions etc. sets out the minimum standard Lancaster City Council expects of new applicants and existing licence holders operating within the trade.

2.3 The licensing manager and members of the licensing team find that the documents are not set out well and cannot be easily referenced, furthermore those involved in the trades do not use the documents as intended and are not aware of the important content.

## 3.0 Guidance and Policy Updates

3.1 The proposed guidance on determining the suitability of applicants and licensees for hackney carriage and private hire licences is attached at **Appendix 4**.

3.2 The proposed guidance is split into 10 sections and forms the basis for Officers and the Members of Licensing Committee on the way in which an applicant's fitness will be considered. However, it is important to note that every application **must** be treated on its own merits, and the contents of the document will not bind the Council, its Officers or the Committee.

3.3 Listed below are the changes to existing guidance or adopted policy. It is recommended that this document supersede any other adopted application procedures or acceptable standards.

- Provision of driving test by local provider Lancaster Training Services
- Updated medical form and validity period
- Introduction of mandatory DBS update service and validity period
- Section 8 - Removal of lists of Crimes/Update provides categories of crime Rehabilitation periods have been reduced for some categories of crime.
- Section 3 – Character and licence history section
- The introduction of minimum standards (basic DBS certificates) for vehicle proprietors and private hire operators.

3.4 Hackney Carriage bye-laws, codes of conduct and vehicle, driver and operator conditions will be given to the licence holder upon grant of their licence, but will be viewable online at all other times. These will be reviewed and updated in due course.

#### 4.0 Consultation

- 4.1 A 14-day direct consultation with the licensed trade has been conducted between Monday 22<sup>nd</sup> July to Sunday 4<sup>th</sup> August 2019 by way of letters being sent to existing driver, vehicle and operator licence holders, all elected members and the document and consultation details were made available on the licensing section of the Council's website throughout the 14 days.
- 4.2 Through the consultation period licensing received two responses for consideration. A copy of the consultation responses are attached at **Appendix 5** and **Appendix 6**.
- 4.3 Caroline Jackson, bulk ward councillor stated:

*I welcome the introduction of the mandatory DBS update on validity and the requirement for DBS for vehicle proprietors and private hire operators.*

Ron and Pauline Gardner, private hire operators stated:

*I have read through the above consultation and mainly agree with the checks being carried out in respect of those involved in the trade.*

*I trust once the consultation is completed the measures introduced will be made public. The safer our passengers feel will hopefully have an allover beneficial effect on the trade.*

Other operational licensing matters that require taking into account were raised by Mr. and Mrs. Gardner including ensuring the transparency and ease of applications, making all information available on the licensing section of the Council's website and regular reviews and updates. Some of the points raised are not applicable to the consultation and will be responded to directly by the licensing manager.

#### 5.0 Options

Options available to Members include:

- a) Adopt the guidance attached at **Appendix 4** as set out;
- b) Amend any section or requirement outlined in the guidance
- c) Reject the guidance document, in favour of existing guidance and policy.

#### 6.0 Conclusion

- 6.1 The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we do not. Therefore, we must, and do, rely on the licence as the warranty of the drivers' safety and suitability for the task at hand.

- 6.2 The licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. The passenger may be you, or an elderly mother, or your teenage daughter, or a person who has too much to drink, or who is vulnerable for a whole host of reasons.
- 6.3 The licensing authority are not required to strike a balance between the driver's right to work and the public's right to protection. The licensing authority is entitled and bound to treat the safety of the public as the paramount consideration.
- 6.4 Members are asked to consider the proposals set out in this report and consider the consultation responses when reaching their decision on whether to update existing guidance and application procedures.

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

#### **LEGAL IMPLICATIONS**

Legal Services have been consulted and have no further comments.

#### **BACKGROUND PAPERS**

None

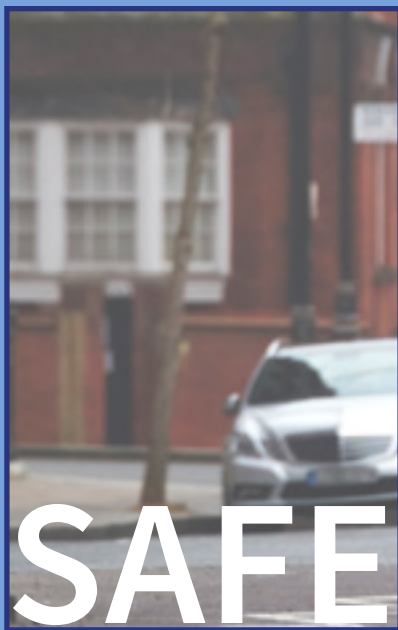
**Contact Officer:** Jennifer Curtis

**Telephone:** 01524 582732

**E-mail:** jcurtis@lancaster.gov.uk

**Ref:** JC

# Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades



April 2018

 Institute of Licensing

Produced by the Institute of Licensing in partnership with:



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## Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC  
Cornerstone Barristers

April 2018

## Chapter 1: Introduction

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- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications<sup>1</sup>. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

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<sup>1</sup> Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.



authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

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<sup>2</sup> [2007] 1 WLR 2067

## Chapter 2: Offenders and Offending - An Overview

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- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.<sup>3</sup> With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm<sup>4</sup>. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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<sup>3</sup> DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

<sup>4</sup> Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud<sup>5</sup> noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place<sup>6</sup>.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

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<sup>5</sup> Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>6</sup> Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

<sup>7</sup> Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

<sup>8</sup> Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

<sup>9</sup> Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

<sup>10</sup> McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

<sup>11</sup> Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

**Risk of re-offending:**

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”<sup>12</sup>.
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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<sup>12</sup> National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

<sup>13</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

<sup>14</sup> Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

<sup>15</sup> Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

<sup>16</sup> Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

<sup>17</sup> Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

<sup>18</sup> Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3<sup>rd</sup> Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”<sup>19</sup>.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

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<sup>19</sup> Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

## Chapter 3: ‘Taxi’ Licensing Overview

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- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver’s hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *“Taxi and Private Hire Licensing – Best Practice Guide”* para 8 which states:  

“The aim of local authority licensing of the taxi and PHV trades is to protect the public.”
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term “taxi driver” encompasses two different occupations: hackney carriage drivers and private hire drivers. “Taxi driver” is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory



criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>22</sup>
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*<sup>23</sup>. Silber J said:

“... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”

- 3.16 This is reflected in a test widely used by local authorities:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’<sup>24</sup>

- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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<sup>20</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>21</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>22</sup> “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1<sup>st</sup> December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>23</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>24</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”<sup>25</sup>

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>27</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker<sup>28</sup>.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

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<sup>25</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>26</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>27</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>28</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>29</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability<sup>30</sup>.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

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<sup>30</sup> As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

<sup>31</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

## Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>34</sup>
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

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<sup>32</sup> See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>33</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

## Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

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<sup>35</sup> See s57(1)(c) of the 1976 Act.

<sup>36</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.



satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>37</sup>

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<sup>37</sup> Button on Taxis – Licensing Law and Practice 4<sup>th</sup> Ed Bloomsbury Professional at para 8.98

## Chapter 4: Guidance on Determination

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- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

#### Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

#### Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

#### Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

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<sup>38</sup> Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

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<sup>39</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>40</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

#### Crimes resulting in death

- 4.29 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

- 4.30 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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

#### Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, 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

- 4.32 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 7 years have elapsed since the completion of any sentence imposed.

#### Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 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

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Drugs

- 4.36 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.
- 4.37 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 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

#### Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

#### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 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 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

## Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## Acknowledgements

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In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

The Institute is delighted to have the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

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- Ellie Greenwood and Rebecca Johnson, Local Government Association
- Tim Briton, Lawyers in Local Government
- Ben Atrill
- Suzy Lamplugh Trust
- Councillor Richard Wright, North Kesteven District Council
- Professor of Criminology Fiona Measham, Durham University
- Councillor Philip Evans, Conwy County Borough Council
- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

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Lawyers in Local Government (LLG). [www.lawyersinlocalgovernment.org](http://www.lawyersinlocalgovernment.org)

National Association of Licensing and Enforcement Officers (NALEO). [www.naleo.org.uk](http://www.naleo.org.uk)

## Appendix 2


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# Rules, Regulations and Procedures for Hackney Carriage & Private Hire Licensing

**OPENING HOURS OF LICENSING OFFICE**  
**Monday-Friday 0900 – 1700**

<b>Approved by the Licensing Regulatory Committee on the 2<sup>nd</sup> September 2010</b>
<b>Amendment approved 9<sup>th</sup> June 2011</b>
<b>Further amendment approved 1<sup>st</sup> September 2011</b>
<b>Further amendment approved 18<sup>th</sup> October 2012</b>
<b>Further amendment approved 14<sup>th</sup> February 2013</b>
<b>Further amendment approved 18<sup>th</sup> July 2013</b>
<b>Further amendment approved 27<sup>th</sup> March 2014</b>
<b>Further amendment approved 5<sup>th</sup> June 2014</b>
<b>Further amendment approved 27<sup>th</sup> March 2015</b>
<b>Further amendment approved 26<sup>th</sup> November 2015</b>
<b>Further amendment approved 22<sup>nd</sup> March 2018</b>
<b>Further amendment approved 30<sup>th</sup> August 2018</b>
<b>Further amendment approved by Licensing Committee 6<sup>th</sup> June 2019</b>

## **Notes for the Guidance of Applicants for Hackney Carriage and Private Hire Drivers Licences**

Application forms for Hackney Carriage and Private Hire drivers' licences can be obtained from Customer Services at the Town Hall in either Morecambe or Lancaster or can be downloaded at [www.lancaster.gov.uk](http://www.lancaster.gov.uk).

Applicants for Hackney Carriage or Private Hire drivers' licences are required to have held for a minimum of one year a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The completed application forms should be returned to the Town Hall address, an appointment will be made for all new applicants at which time you will be required to complete an Enhanced Disclosure & Barring Service (DBS) form and produce the following documents. Existing applicants should submit all required paperwork (no appointment is necessary):

(a) Current Full European Driving Licence

(b) A full medical certificate in the prescribed form, issued by a General Practitioner on first application and every 3 years thereafter (dated within 2 months of application). Once a driver reaches the age of 65 he / she will be required to provide a full medical certificate annually.

(i) all medical checks must be carried out by:-

- the applicant's own GP;
- someone from the GP practice to which the applicant is registered; or
- an agent appointed by the GP;

(ii) full access to the applicant's medical records must be available to the GP carrying out the check at all times;

(iii) the medical records must be taken into account when carrying out the medical examination

(c) Appropriate fee

(d) Proofs of identity for DBS check (further details will be given when appointment is made)

Without exception, no licence will be granted until **all** required documents have been received by the Council.

**\*\*\* Please note all application processes must be completed within 6 months of the date of issue of the DBS certificate or a new certificate will be required\*\*\***

Your right to work in the UK will be checked as part of your licence application. This could include the Licensing Authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out on our website. You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence.

**All new applicants will be required to pass a Driver Assessment Course as approved by the Licensing Manager.**

(Amendment in bold approved 13<sup>th</sup> October 2016)

**Applicants are required to achieve the BTEC Level 2 Certificate 'In the Introduction to the role of the Professional Taxi and Private Hire driver' with Lancaster and Morecambe College (LMC) as part of the licence application.**

**Child Sexual Exploitation (CSE) awareness training and the local knowledge test will be delivered by LMC as part of the BTEC qualification.**

(Approved 22<sup>nd</sup> March 2018)

**Disclosure & Barring Service** (previously known as Criminal Records Bureau)

The applicant will be asked to detail, on the application form, any convictions, cautions or fixed penalties, which have been recorded against them.

**DETAILS OF CONVICTIONS OR CAUTIONS FOR ANY OFFENCE WHETHER DRIVING OFFENCES (INCLUDING FIXED PENALTY NOTICES) OR ANY OTHER OFFENCE, MUST BE DECLARED.**

By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions, as the 'spent' convictions provisions do not apply to these occupations. The subsequent checks to the Disclosure and Barring Service (DBS) will serve to confirm the information provided.

You must not rely on that check to provide the correct information, as any application, which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions, which have not been declared.

It is a criminal offence to make a false declaration to obtain a Licence.

Convictions will not necessarily debar an applicant from obtaining a licence although, if a conviction is revealed which, takes the matter outside the Council's 'Policy on the Relevance of Convictions', the applicant will be able to make representations to the Licensing Manager, who will determine whether a licence is issued. All information received will remain confidential and be securely stored only as long as necessary.

### **Statement of Policy Regarding Relevant Convictions**

When submitting an application for a licence to drive a Hackney Carriage or drive or operate a Private Hire Vehicle, individuals are requested to declare any convictions or cautions they may have. The information given will be treated in confidence and will only be taken into account in relation to the application in question.

Lancaster City Council, as a Licensing Authority, is empowered in law to check with the Disclosure and Barring Service for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict confidence while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will consider the nature of the offence, how long ago and at what age it was committed and any other factors, which may be relevant.

Any applicant refused a Licence on the grounds that he / she is not a 'fit and proper' person to hold such a licence, has the right of appeal to a Magistrates' Court.

The effect of any particular conviction on a proposed application may be discussed in confidence with the Licensing Team.

Each case will be determined on its own merits, however the overriding consideration will be the protection of the public.

**IT IS AN OFFENCE FOR A PERSON TO DRIVE A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE UNLESS AND UNTIL A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE IS GRANTED.**

**IT IS AN OFFENCE FOR THE PROPRIETOR OF A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO EMPLOY ANY PERSON TO DRIVE SUCH A VEHICLE WHO IS NOT THE HOLDER OF A CURRENT HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE.**



## **BYELAWS**

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Lancaster City with respect to Hackney Carriages in the City of Lancaster.

### ***Interpretation***

1. Throughout these Byelaws “the Council” means the Lancaster City Council and “the district” means the City of Lancaster.

### ***Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence shall be displayed:***

2.
  - a) the proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
  - b) A proprietor or driver of a Hackney Carriage shall:
    - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
    - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

### ***Provisions regulating how Hackney Carriages are to be furnished or provided:***

3. The proprietor of a Hackney Carriage shall:
  - a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept water-tight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered;
  - e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;

- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a Hackney Carriage shall cause any Taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say:-
- a) the Taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the Taximeter into action and cause the word "HIRED" to appear on the face of the Taximeter;
  - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the Taximeter is not in action and that no fare is recorded on the face of the Taximeter;
  - c) when the machinery of the Taximeter is in action there shall be recorded on the face of the Taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
  - d) the word "FARE" shall be printed on the face of the Taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - e) the Taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
  - f) the Taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

***Provisions regulating the conduct of the proprietors and drivers of Hackney Carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges:***

5. The driver of a Hackney Carriage provided with a Taximeter shall:-
- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the Taximeter;

- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the Taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the Taximeter and keep the machinery of the Taximeter in action until the termination of the hiring;
  - c) cause the dial of the Taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any Taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:-
  - a) proceed with reasonable speed to one of the stands fixed by the Council (excepting between the hours of 7.00 pm and 7.00 am when the driver may ply for hire whilst driving, free from such requirement);
  - b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
  - d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 8. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 9. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 10. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
- a) convey a reasonable quantity of luggage;
  - b) afford reasonable assistance in loading and unloading;
  - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

***Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication of such fares:***

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the table of fares set by the Council. The rate of fare being calculated by distance and time unless the hirer express at the commencement of the hiring, his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a Taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the Taximeter, save for any extra charges authorised by the table of fares which it may not be possible to record on the face of the Taximeter:

15. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

***Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof:***

15. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
16. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- a) carry it as soon as possible and in any event, within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;

- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

The Council acknowledges that at certain times during weekends and bank holidays whilst the office is closed it will not be possible to comply with (a) above. In these instances, the property should be delivered to the office of the Council on the next working day after the closure.

### ***Penalties***

18. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

### ***Repeal of Byelaws***

19. The Byelaws relating to Hackney Carriages that were made by the Council on the 8<sup>th</sup> day of February 2000 and which were confirmed by the Secretary of State for Transport on the 20<sup>th</sup> day of March 2000 are hereby repealed.

The Common Seal of the Council of  
the City of Lancaster was hereunto  
affixed this seventh day of  
February 2014 in the presence of:-

LS

SARAH TAYLOR  
Chief Officer (Governance)

The Secretary of State confirmed the foregoing Byelaws on the Twenty Sixth day of March 2014 and fixed the date on which the Byelaws are to come into operation as the Twenty Third day of April 2014

ANTHONY FERGUSON  
Signed by authority of the Secretary of State.



## **CODE OF CONDUCT FOR GUIDANCE OF LICENSED HACKNEY CARRIAGE DRIVERS**

- NOTE:**
- (1) Failure to adhere to this Code may result in suspension or revocation of the licence pursuant to Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act, 1976.
  - (2) This Code is equally applicable when the Hackney Carriage is being used for Private Hire purposes.
- 

### **1. Conduct of Driver**

The licensee shall:

- (a) at all times be clean and respectable in his dress and person;
- (b) not without the express consent of the hirer drink or eat in the vehicle;
- (c) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (d) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

### **2. Contracts for Private Hire**

Where a Hackney Carriage vehicle is hired pursuant to a telephone call to a booking office linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person or body operating the booking office, and shall not be set into operation until the hirer has commenced his journey.

### **3. Use of Taximeter / Table of Fares**

The licensee shall ensure the Taximeter is reset at the commencement of each fare and displays the correct tariff as set by the Council and shall not wilfully or negligently cause or suffer any Taximeter to be concealed from public view while a vehicle is being used for the purpose of Public Hire.

It is an offence for any Hackney Carriage driver to charge more than the metered rate for journeys within the District. Any driver found doing this could risk revocation of his / her driver's licence or prosecution. Sections 55, 56 and 58 of the Town Police Clauses Act 1847 and section 67 of the Local Government (Miscellaneous Provisions) Act 1976. The meter must be set at the point of pick up.

A current table of fares shall be exhibited inside the vehicle in a position, which is clearly visible to passengers.

The driver may at his / her discretion require the payment of an agreed sum in advance of the journey. A receipt will be given and the amount will be set against the metered fare.

#### **4. Written Receipts**

The licensee shall if requested by the hirer provide him with a written receipt for the fare paid.

#### **5. Child Seats**

Rear-facing baby seats **MUST NOT** be used in a seat protected by a frontal air bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a Taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed Taxi or licensed Private Hire vehicle.

- Under 3's may travel unrestrained but in the rear only;

- Those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

**The driver of the vehicle is responsible for seat belt wearing by children under 14 years** (except in Taxis with fixed partitions)

#### **6. Animals**

(1) The Licensee shall not convey in a Hackney Carriage any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

(2) The Licensee shall at all times carry guide / hearing / assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a 'Notice of Exemption' issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.

(3) The Licensee has a responsibility to ensure that their company / employer is aware of such a condition when they are first employed.

#### **7. Copy of Byelaws and Code of Conduct**

The licensee shall at all times when driving a Hackney Carriage carry with him a copy of the Byelaws and of this code of conduct and shall make them available for inspection by the hirer or any other passenger on request.

## **8. Change of Address**

The licensee shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

## **9. Convictions or Cautions**

The licensee shall within seven days, disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

## **10. Health**

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future.

Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED.

THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers, who are in doubt about whether or not their health condition is one, which should be reported, should consult their doctor.

## **11. Suspension or Revocation of Licence**

a) The breach by the licensee of any provision of this code or the Byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

## **12. Return of Licence**

In the event of the suspension or revocation of a licence the licensee shall forthwith upon receiving written notice, return the licence, the Driver's Identity

badge which may have been issued to him to the Licensing office and such badge shall likewise be returned on the expiry of the licence without immediate renewal.

**13. Variation of Code**

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this code of conduct.

**14. Production of Driving Licence**

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current DVLA Driving Licence for inspection.

## **GUIDANCE FOR PRIVATE HIRE DRIVERS**

### **1. Conduct of Driver**

The driver shall:

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

Any gathering of 2 or more Private Hire vehicles could be seen as forming a rank and lead to prosecution for plying for hire.

### **2. Seatbelts/Child Seats**

Rear-facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed Private Hire vehicle.

- Under 3's may travel unrestrained but in the rear only;

- Those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster



**The driver of the vehicle is responsible for seat belt wearing by children under 14 years** (except in Taxis with fixed partitions)

## **2. Written Receipts**

The driver shall if requested by the hirer of a Private Hire vehicle provide him with a written receipt for the fare paid.

## **3. Animals**

- (1) The Licensee shall not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- (2) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a 'Notice of Exemption' issued by the authority, in accordance with Section 37 of the Disability Discrimination Act 1995.
- (3) The Licensee has a responsibility to ensure that their company / employer is aware of such a condition when they are first employed.

## **4. Prompt Attendance**

The driver of a Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

## **5. Deposit of Licence**

If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit a copy of his Private Hire drivers licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

## **6. Change of Address**

The driver shall notify the Licensing Office in writing of any change of his address during the period of the licence within seven days of such change, taking place.

## **7. Convictions and Cautions**

The driver shall within seven days, disclose to the Licensing Office in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

## **8. Suspension/Revocation**

- (a) The breach by the licensee of any provision of this code or the Byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976. Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61.

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

## **9. Return of Badge**

The driver shall upon the expiry (without immediate renewal), revocation or suspension of a licence forthwith return to the Licensing Office the driver's badge issued to him by the Licensing Office when granting the licence.

## **10. Health**

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future.

Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED.

THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF DISABILITIES.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which, should be reported should consult their doctor.

## **11. Production of Driving Licence & Insurance**

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance for inspection

## **Notes for the Guidance of Applicants For Hackney Carriage & Private Hire Vehicle Licences**

Applicants for Hackney Carriage and Private Hire Vehicles Licences.

Application forms for Hackney Carriage and Private Hire drivers' licences can be obtained from Customer Services at the Town Hall in either Morecambe or Lancaster or can be downloaded at [www.lancaster.gov.uk](http://www.lancaster.gov.uk).

An applicant who is not already a licensed driver with this authority will be subject to a Disclosure and Barring Services check.

### **Spent Convictions:**

Under the provisions of the Rehabilitation of Offenders Act 1974, you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed.

**(It should be noted however that spent convictions may be taken into account if they are considered relevant in determining whether an applicant is a 'fit and proper' person to hold a Private Hire or Hackney Carriage vehicle licence.)**

### **REHABILITATION PERIODS**

Sentence	Rehabilitation period	Rehabilitation period
	Age 18 or over when convicted	Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

### ***Sentences Excluded from Rehabilitation***

Life imprisonment

Prevention Detention

Sentence of imprisonment or corrective training exceeding 30 months

Please note that if the application is successful all convictions not considered spent by virtue of the Rehabilitation of Offenders Act 1974, are required by section 42 of the Town Police Clauses Act 1847 to be recorded on a public register. This would also apply to any additional drivers of the vehicle

### **Vehicle Testing**

Before a licence can be issued, the vehicle must be mechanically tested and inspected by the Council's nominated garage. This process is referred to as "the Engineer's Report" or "Certificate of Compliance".

The licence of any vehicle which fails its inspection requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary 'pass' certificates obtained.

When a car already licensed by this authority reaches **2 years of age** it will be required to pass an authority vehicle examination test **twice yearly**.

Any vehicle over the age of 2 years will only be issued with a 6 month plate.

Any vehicle over 10 years will only be issued with a 4 month plate and tested 3 times, yearly.

Vehicles cannot be licensed for both Public Hire (Hackney) and Private Hire.

Vehicles, which are licensed by another Local Authority, will not be licensed by this (Lancaster City Council) authority.

Applicants for Private Hire vehicle licences, who intend to operate independently, must obtain a Private Hire Operator's licence, and any necessary planning permission from the authority's Regeneration and Policy Service, before such vehicle licence can be issued.

All vehicles shall have an appropriate "Type Approval" which is either a European Community Whole Vehicle type approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA) Vehicles shall not have been altered since that approval was

granted. A Single Vehicle Type approval (SVA) may be accepted for wheelchair accessible vehicles. On 29<sup>th</sup> April 2009 the SVA was replaced by Individual Vehicle Approval (IVA). Vehicles presented for licensing, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

When submitting applications for Hackney Carriage / Private Hire vehicle licences, the application should be accompanied by the following documentation: -

- (a) Registration document in name of applicant. (V5c)
- (b) Current Certificate of insurance. (Photocopies not acceptable)
- (c) Authority test certificate
- (d) Appropriate fee
- (e) Appropriate type approval

**Insurance policies** – If insurance is not produced at the time of licence renewal or when requested by the Licensing Section, the vehicle licence will be immediately suspended to ensure public safety.

A copy of the certificate of motor insurance should be carried in the vehicle at all times that the vehicle is available for hire or hired.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**  
**ACT 1976**

**HACKNEY CARRIAGE VEHICLE LICENCES**

**CONDITIONS OF LICENCE**

**1. Specification and Maintenance of Vehicle**

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the Licensing department. Only a garage authorised to do so may carry out the conversion. A 'Certificate of Compliance' is to be obtained immediately after any such conversion and presented to the Licensing department for inspection.

The width of the rear seat shall be of no less than **51** inches unobstructed width, excluding armrests, window winders, etc.

All vehicles must have adequate leg and foot-room, shoulder-width and head-height. The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement shall be taken from the base of the seat to the nearest obstruction in front. The internal headroom from the seat cushions to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the



Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot / luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

The vehicle glass is to be kept clear of ALL obstructions.

The minimum permitted light transmissions are as follows:

Front windscreen transmission – minimum 75% light

Front side glass transmission – minimum 70% light

No restrictions to rear passenger side windows or rear windscreen.

Tint level approved and access/egress condition removed – LC 6<sup>TH</sup> June 2019

**Hackney Carriage vehicles should be capable of carrying one average size piece of luggage per passenger carried. This may mean at times the vehicle will not be capable of carrying the full number of passengers as permitted by the licence and displayed on the plate affixed to the vehicle, in order to facilitate the luggage. The driver must make provisions to ensure that the luggage can be carried safely and securely, whilst still allowing room for the passengers to travel in comfort –**

(Approved by LRC on 14<sup>th</sup> February 2013)

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

The Proprietor shall permit an Authorised Officer of the Council or a Police Officer to inspect and test the vehicle or any Taximeter affixed to such vehicle at all reasonable times. If the Officer is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the Taximeter, he shall be able to direct the vehicle to the Council's nominated inspection / Testing Centre immediately for further examination. If further inspection and testing is required, the licence shall then be suspended until such time as the Officer is satisfied with the vehicle. The plate shall, on suspension of the licence, be handed to the Officer but will be returned upon reinstatement of the licence. However, if the Officer is not so satisfied as to the fitness or condition of the vehicle within a period of two months, the licence shall be revoked.

**The licence holder must submit a renewal application before the proprietor licence has expired, if the licence holder does not do so, the renewal application will be refused unless there is a very good reason for the failure and in any case within 72 hours of its expiry.**

**After this time, the matter will be referred to Licensing Regulatory Committee to consider exceptional circumstances.**

(Approved at LRC 22<sup>nd</sup> March 2018)

## **2. Insurance**

At all times, the Proprietor shall, during the currency of the licence, keep in force in relation to the user of the Hackney Carriage, a policy of insurance which cover third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of the appropriate insurance certificate should be carried in the vehicle at all times that the vehicle is available for hire or hired, and made available for inspection by an Authorised Officer on request.

## **3. Taximeter**

The Taximeter provided in the vehicle must be tested, approved and sealed by the Council and must display only the tariff or tariffs to be charged at the relevant time as contained in the table of fares fixed by the Lancaster City Council.

## **4. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

## **5. Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, which must also be in-date and a first aid kit containing appropriate first aid dressings and equipment (to comply with British Standard BS 8599-2), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept

Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care.

CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted, overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.

## **6. Interior Markings**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and / or the number of passengers prescribed in the licence.

## 7. Signs, Notices etc

The display of signs on Hackney Carriages shall be restricted to the roof and sides of the vehicle. Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. In addition to this requirement, the proprietor is permitted to display not more than one sign on each side of the vehicle. Any roof signs shall be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.

**‘This means that the top light box must be operated through the taxi meter at all times. Separate switches or devices that carry out this function independently of the meter are not permitted at any time.’**

(Approved by LRC 9<sup>th</sup> June 2019)

**In addition to the above Hackney Carriage vehicles with the capacity to carry more than four passengers must display a sign provided by the Council in the nearside rear passenger window which states that the fare is the same as in a 4 seater Hackney Carriage.**

(Approved by LRC 26<sup>th</sup> March 2015)

The proprietor shall not display a telephone number in the rear window of the vehicle without the prior approval of the Council.

- (a) The Lancaster City Council licence plate must be permanently displayed on the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate.
- (b) The licence plate is the property of the Council, to whom it must be returned within seven days if the licence is ever suspended, revoked or not renewed for any reason.

The Proprietor may display signs advertising the recruitment of drivers subject to the following conditions:-

- (a) maximum number of one advertisement in the vehicle at any one time.
- (b) advertisement to be placed in rear side windows only.
- (c) advertisement to be no larger than a normal postcard.

### **Wheelchair Accessible Vehicles Additional Signage**

All mandatory wheelchair accessible Hackney Carriage vehicles must display the nationally recognised wheelchair accessible sign in at least two prominent positions visible from the outside of the vehicle to be approved by the Licensing Manager.

Any person who provides a wheelchair accessible Hackney Carriage vehicle on a voluntary basis should declare the vehicle as wheelchair accessible to the Licensing

Authority and should then display the required signage in order to avoid confusion for the general public.

(Approved by LRC on the 18<sup>th</sup> July 2013)

## **8. Convictions and Cautions**

The proprietor shall within seven days disclose to the Licensing Office in writing details of any conviction or caution imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **9. Deposit of Drivers' Licences and Keeping of Records**

If the proprietor permits or employs any other person to drive the vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his Hackney Carriage driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

**The proprietor of the vehicle shall keep a complete and accurate record of the name of the person driving the vehicle at any time. This information must be kept for a period of six months and produced upon request to an authorised officer or constable.**

(Approved by LRC on 5<sup>th</sup> June 2014)

## **10. Change of Vehicle Owner.**

If a proprietor transfers his / her interest in a vehicle to somebody else he / she must immediately give notice of the transfer in writing on the prescribed form to the Licensing section, giving the name and address of the transferee. In no circumstances may the vehicle be used by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fee paid. (*Local Government (Miscellaneous Provisions) Act 1976, s 49*)

## **11. Disabled access Vehicle**

Any licence issued in respect of a vehicle which is required to be wheelchair accessible, and this is defined as "a vehicle purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers will have these additional conditions attached:-

a) The vehicle must provide access for a wheelchair either through the nearside rear door or a door at the rear of the vehicle. Any door used for wheelchair access must be capable of opening as wide as the aperture.

b) A means to secure both the wheelchair and the wheelchair occupant must be provided; additional handholds and an additional step must be provided

for the assistance of elderly and ambulant disabled people; ramps must be carried with the vehicle.

c) Any replacement vehicle must also be wheelchair accessible, if the plate was issued following an unmet demand survey. The vehicle must also comply with the councils age limits for Hackney Carriages.

d) In presenting a vehicle for licensing, if the vehicle was not purpose built for the carriage of wheelchairs you will be required to produce documentary evidence that it was adapted prior to registration, and that the adaption was approved by the manufacturer.

**N.B Only persons who have passed the BTEC Level 2 'Practical Wheelchair Assessment' delivered by Lancaster and Morecambe College or equivalent practical assessment are permitted to drive a wheelchair accessible vehicle.**

(amended on 13<sup>th</sup> October 2016 and updated 22<sup>nd</sup> March 2018)

## **12. Accidents**

If the vehicle is involved in an accident, it must be reported to the Licensing Authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

## **13. Video / DVD**

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard, they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown)

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Head of Legal and Human Resources, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**  
**ACT 1976**

**PRIVATE HIRE VEHICLE LICENCES**

**CONDITIONS OF LICENCE**

**1. Specification and Maintenance of Vehicle**

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle must be capable of carrying not less than four passengers but not more than eight.

The vehicle shall be of right-hand drive manufacture and not converted as so.

Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the licensing department. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection.

The width of the rear seat shall be of no less than **51** inches unobstructed width, excluding armrests, window winders, etc.

All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.

The boot / luggage compartment should be empty except for spare wheel, fire extinguisher, essential tools and first aid kit, (to comply with British Standard BS 8599-2). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.



All vehicles must have adequate leg and foot-room, shoulder-width and head-height. The minimum legroom available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement shall be taken from the base of the seat to the nearest obstruction in front. The internal headroom from the seat cushions to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

The vehicle glass is to be kept clear of all obstructions

The minimum permitted light transmissions are as follows:

Front windscreen transmission – minimum 75% light

Front side glass transmission – minimum 70% light

No restrictions to rear passenger side windows or rear windscreen.

Tint Level approved and Access/Egress condition removed – LC 6<sup>th</sup> June 2019

## **2. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

## **3. Identification Plate/Signs**

The plates identifying the vehicle as a Private Hire vehicle are required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, one shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Constable, and a further plate should be fixed at the front of the vehicle in a conspicuous position.

In addition Private Hire vehicles shall display a sticker in a conspicuous position as approved by an Authorised Officer, stating that the vehicle must be pre-booked and that any journey taken without there being a booking beforehand would render the insurance void, as the driver would not be complying with current legislation.

The proprietor may display signs advertising for the recruitment of drivers subject to the following conditions:-

- (a) maximum number of one advertisement in the vehicle at any one time
- (b) advertisement to be placed in rear side windows only
- (c) advertisement to be no larger than a normal postcard
- (c) advertisement to be of a standard acceptable to the Council.

Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. The proprietors own sign, notice or advertisement may be displayed on the top section of the rear doors of the vehicle only and shall not exceed 20 inches by 12 inches.

**Private Hire vehicles are not permitted to have a top sign fitted at any time.**  
(Approved by LRC on 14<sup>th</sup> February 2013)

#### **4. Interior Markings**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and the number of passengers prescribed in the licence.

#### **5. Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, which must also be in-date and a first aid kit containing appropriate first aid dressings and equipment (to comply with British Standard BS 8599-2), such equipment to be carried in such a position in the vehicle as to be readily accessible for immediate use in an emergency and a notice shall be displayed in the vehicle as to where they are kept

**Your attention is drawn to your liability if rendering first aid, the kit carried is to enable ONLY those trained in its use to render assistance to third parties. If the need for its use should arise, it should only be used by a person who holds a current recognised first aid certificate. If a passenger requested the equipment then it may be provided for self-administration by the customer in the interest of customer care.**

CCTV surveillance systems to assist driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment.

#### **7. Change of Address**

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

#### **8. Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **9. Deposit of Drivers' Licences**

If the proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his / her Private Hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

## **10. Insurance**

At all times, the Proprietor shall, during the currency of the licence, keep in force in relation to the user of the Private Hire vehicle a policy of insurance which cover third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

A copy of this certificate should be carried in the vehicle and, made available for inspection by an Authorised Officer on request.

## **Notes for the Guidance of Applicants for: Private Hire Operators Licences**

Application forms for Private Hire Operator licences can be obtained from Customer Services at the Town Hall in either Morecambe or Lancaster or can be downloaded at [www.lancaster.gov.uk](http://www.lancaster.gov.uk).

An applicant who intends to operate Private Hire vehicles from premises must obtain any necessary planning permission before any licence can be issued.

An applicant wishing to operate a Private Hire vehicle from domestic premises will require planning permission from the authority's Regeneration and Policy Service before undertaking such an activity and before any licence can be issued.

Applicants for Private Hire operators' licences cannot use the same (or similar) name as any Private Hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.

An applicant who is not already a licensed driver with this authority will be subject to a Disclosure & Barring Service check.

### **Spent Convictions:**

Under the provisions of the Rehabilitation of Offenders Act 1974, you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column below if the corresponding period in the right-hand column has elapsed.

**(It should be noted however that spent convictions may be taken into account if they are considered relevant in determining whether an applicant is a 'fit and proper' person to hold a Private Hire operator's licence.)**

### **REHABILITATION PERIODS**

Sentence	Rehabilitation period	Rehabilitation period
	Age 18 or over when convicted	Age 17 or under when convicted
Prison sentences of 6 months or less, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	7 years	3 and half years
Prison sentences of more than 6 months to 2 and half years, including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years

Detention Centres (abolished in 1988)	3 years	3 years
Fines (even if subsequently imprisoned for fine default), compensation, probation (for convictions on or after 3 February 1995), community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2 and half years
Absolute discharge	6 months	6 months

With some sentences, the rehabilitation period varies:

Sentence	Rehabilitation Period
Conditional discharge or bind-over, probation (for convictions before 3 February 1995), supervision, care-orders	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

### ***Sentences Excluded from Rehabilitation***

- Life imprisonment
- Prevention Detention
- Sentence of imprisonment or corrective training exceeding 30 months

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**  
**ACT 1976**

**PRIVATE HIRE OPERATORS' LICENCES**

**CONDITIONS OF LICENCE**

**1. Records**

- (1) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively, (an electronic version is acceptable), and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by him:-
  - (a) The time and date of the booking.
  - (b) The name and address of the hirer.
  - (c) How the booking was made (i.e. by telephone, personal call etc.).
  - (d) The time of pick-up.
  - (e) The point of pick-up.
  - (f) The destination.
  - (g) The time at which a driver was allocated to the booking.
  - (h) The registration number of the vehicle allocated for the booking.
  - (i) Remarks (including details of any sub-contract).
- (2) The operator shall also keep records of the particulars of all Private Hire vehicles operated by him. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- (3) All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

**2. Standard of Service**

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-



- (a) Ensure that when a Private Hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises, which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

### **3. Change of Address**

The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

### **4. Convictions**

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

### **5. Drivers**

An operator must only use drivers and vehicles that hold the relevant licences issued by Lancaster City Council. Operators must keep a copy of all Private Hire drivers licences that are used by them. Operators must not sub contract work to drivers or use vehicles that are licensed outside of this district.

## **General Licence Conditions Applying To All Drivers, Proprietors and Operators**

All drivers/operators/proprietors shall operate strictly within the terms of any licence issued, all relevant legislation and other conditions within this handbook, but these may not necessarily be exhaustive.

Any lapse in any licence will result in any application being treated as a new application and **not** renewal and full application requirements will have to be satisfied.

### **TRAILERS**

No Hackney Carriage or Private Hire Vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Head of Legal and Human Resources.

The trailer must be securely attached to the vehicle by means of a tow-bar.

The trailer must be marked with the name and address of the manufacturer along with its gross weight. If the gross weight of the trailer exceeds 750kgs, it must be fitted with a braking system.

The trailer must be covered and have sufficient luggage capacity to carry one piece of average sizes luggage (as defined above) for each passenger that the vehicle is licensed to carry. No luggage should be carried on the cover of the trailer either by the fitting of a roof rack or similar.

Any luggage carried in the trailer must be protected against wind and rain penetration and be properly secured.

The trailer must be subject to an annual inspection carried out at the Vehicle Maintenance Unit, Morecambe.



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**STATEMENT OF POLICY AND GUIDELINES  
RELATING TO THE RELEVANCE OF  
CONVICTIONS, FORMAL / SIMPLE CAUTIONS,  
COMPLAINTS AND OTHER MATTERS WHICH MAY  
IMPACT ON THE GRANTING OR RENEWAL OF A  
LICENCE**

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**STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS**

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

**This document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:**

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Licensing Officers
- Members of the Licensing Regulatory Committee (hereinafter referred to as the "Committee")
- Magistrates hearing appeals against local authority decisions

Thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

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## Background

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. Licences for drivers of hackney carriages, private hire vehicles or private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
3. In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Committee is satisfied that the incident occurred based on the balance of probabilities)
4. Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
5. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
6. The Council is concerned to ensure:
  - a. That a person is a fit and proper person.
  - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
  - c. The safeguarding of children and young persons and vulnerable adults.
7. The public are not normally permitted to attend Committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant, renew or revoke a licence the Committee and Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operator’s licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

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9. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).
10. Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Lancashire Constabulary. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
11. The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
12. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
13. In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty. When it was committed/took place, the date of conviction/issue and the length of time which has elapsed, the individuals age when the offence was committed/*issue took place* whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].
14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators licences and when considering whether to take any action against an existing licence holder.

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15. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual, If an individual has a conviction for an offence not covered by the guidelines regard will be given to the factors at paragraph 10 when deciding whether any action should be taken.

Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines

16. The guidelines are not an attempt to define what a “fit and proper person” is.
17. Any individual who is refused a driver’s licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.
18. Any individual who is refused an operator’s licence has a right of appeal to the Magistrates’ Court within 21 days of the notice of refusal.
19. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences.

## **GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS and OTHER INFORMATION**

### **General Policy**

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
4. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
  - a. Remain free of conviction for an appropriate period; and

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- b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). A person with a conviction for a single serious offence or a number of separate offences is not barred from applying for a private hire or hackney carriage driver licence, but would normally be expected to remain free from conviction for an appropriate period (which will depend on the nature of the offence).
  - c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
5. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
6. The Council will consider any information/ representations received that a person is not/ no longer a “fit and proper” person or a breach of a condition of a licence has been proved they may refuse, revoke or suspend a licence for any specified period.
- a. Hearing with notice – Where the Committee is to consider whether or not a person is a “fit and proper” person, notice of the time and date when a committee will be convened will then be given ahead of the date listed in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
  - b. Ex-parte hearing – Where the Committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person’s right to a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.
  - c. Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

The following examples afford a general guide on the action, which might be taken where convictions are disclosed:

### **1. Offence of Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include especially vulnerable people and children.

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Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, passengers may include especially vulnerable people. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any convictions involving dishonesty. In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3 years prior to the date of application

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail

## 2. Violence

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey.

Passengers often travel alone and are vulnerable to physical attack etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

### **a) Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)**

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

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Where the commission of an offence involved loss of life a licence will normally be refused. If a conviction is more than 10 years old the application will be referred to the Licensing Manager for determination. If a conviction less than 5 years old the application will generally be refused.

### **b) Offences against Other Persons**

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

In other cases where the conviction is less than 10 years prior to the date of the application will be referred to the Licensing Manager for determination. If a conviction is less than 3 years old the application will generally be refused.

In particular:

- i. An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:
  - Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
- ii. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
  - Arson
  - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
  - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
  - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
  - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
  - Robbery
  - Possession of firearm
  - Riot
  - Assault Police
  - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
  - Violent disorder
  - Resisting arrest
- iii. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which

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replace the below offences and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

iv. An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

### 3. Drugs

An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.

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An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Licensing Manager for determination. A conviction less than 5 years old will generally be refused.

An application from an individual who has an isolated conviction for an offence related to the possession of drugs within the last 5 years will be referred to the Licensing Manager for determination. If a conviction is less than 3 years old the application will generally be refused.

If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

#### **4. Sexual and Indecency Offences**

Any individual currently on the sex offenders' register would not normally be granted a licence.

##### **a) Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)**

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

##### **b) Offences against persons other than children / young persons**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Licensing Manager for determination where the conviction is less than 10 years prior to the date of the application. Applicants on the sex offenders register or with a conviction less than 5 years old will generally be refused.

##### **c) Intelligence and other information which has not resulted in a criminal conviction**

The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to the Licensing Manager. Any additional information gathered through this process may then be taken into account by the Licensing Manager when determining whether an applicant/driver/operator is fit and proper.

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## 5. Drunkenness

Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

The Council takes a serious view of anyone who attempts to drive a licensed vehicle whilst under the influence of alcohol. If a driver is reported to the Council by the police for having alcohol in his/her system whilst in control of a licensed vehicle, whether over the legal limit or not, the matter will be referred to the Licensing Regulatory Committee for consideration. It is recommended that alcohol should not be consumed for up to 12 hours before driving a hackney carriage or private hire vehicle.

### i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to merit refusal.

### ii. With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, individual will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

### iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

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## 6. MOTORING CONVICTIONS

### a) Major Traffic Offences

New applicants and existing licensed drivers with a conviction for a 'Major Traffic Offence' as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Committee (renewal) or Licensing Manager (grant) for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

**For the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':**

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink

DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

### **Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

### **Causing or Permitting**

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

### **Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16).

Or similar offences or offences which replace the above offences.

## **b) Intermediate Traffic offences**

**Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.**

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**One Conviction**

Where an individual has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

**Two or more Convictions**

Where an individual has 2 or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application, the individual will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, the individual should refer to the section of these guidelines entitled “disqualification”.

An applicant who has received a disqualification owing to the totting up system for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.

**For the purposes of these guidelines the following motoring offences are classed as ‘Intermediate Traffic Offences’:**

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway

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SP60	Exceeding speed limit offence
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**Aiding, Abetting, Counselling or Procuring**

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

**Causing or Permitting**

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

Or similar offences or offences which replace the above offences.

**c) Minor traffic Offences**

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

**Single conviction**

Where an individual has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

**Two or more Convictions**

Where an individual has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application an individual will normally be expected to show a period of at least six months free from conviction before an application is considered.

**For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':**

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines

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TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

**Aiding, abetting, counselling or procuring**

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

**Causing or permitting**

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

**Inciting**

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Or similar offences or offences which replace the above offences.

**d) Totting up without Disqualification**

There may be occasions where an applicant has accrued sufficient points under totting up for the court to consider disqualification, but successfully argues that exceptional hardship should apply and the court has not, therefore, imposed a disqualification. In these circumstances the Council expects the individual to supply full details of each of the matters that led to the totting up. The Council will take those matters into account in accordance with this policy when deciding whether to grant or refuse an application or whether to take action against an existing licence. Should the individual not supply full details of each of these matters then the Council will take the failure to supply such information into account when deciding whether to take any such action.

**e) Plying for Hire**

In the case of a private hire driver found guilty of an offence of plying for hire, the Committee would normally order the licence to be revoked or suspended.

**7. Breach of Conditions, Bye-laws and complaints**

Any breach of conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the Committee. A licence holder brought before the Committee will be dealt with by either no further action, a formal warning, period of suspension or revocation. N.B. This does not influence any decision which may be made to instigate prosecution procedures for any offence committed.

**8. Guidance**

Licence holders will be referred to the Committee in situations where it is clear that the holder has failed to moderate their behaviour following verbal or written warnings administered by Licensing Officers. In any event, any licence holder who receives a third warning [verbal or written] in respect of a breach or complaint occurring within a 12 month period [calculated by reference to the date of the breach/complaint] will be referred to the Committee.

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All genuine complaints are investigated as far as it is reasonably practicable to do so.

Where the Council administers a caution to a licence holder this does not preclude a referral to the Committee for the matter for which the licence holder has been cautioned.

In other cases an investigation may result in a warning, such warnings will be relevant to the rolling 12 month period.

In certain situations the breach or complaint may be deemed so serious that an immediate referral to the Committee is warranted. In those cases the reasoning for the decision for the immediate referral will be recorded within the formal report to Committee.

### **9. Reapplication**

Individuals are advised that Council guidelines are that where an individual has had an application refused or a licence revoked, the Council would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the circumstances affecting the individual's fitness and propriety.

### **10. Spent Convictions**

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The Council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

## **FORMAL/ SIMPLE CAUTIONS AND ENDORSABLE FIXED PENALTIES**

**For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.**

### **11. Multiple convictions from Single Incident**

Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

### **12. Other Offences**

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Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.

In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

Contact details:

Licensing Department  
Lancaster City Council  
The Town hall  
Dalton Square  
Lancaster  
LA1 1PJ

Telephone Number: 01254 582033

Email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

These guidelines to convictions supersede all others and take effect from:

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# Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences

<b>Version Control:</b>	
<b>Document Name:</b>	<b>Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences</b>
<b>Responsible Officer:</b>	Licensing Manager
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## 1. Introduction

- 1.1 This document sets out the guidance adopted by Lancaster City Council (“the Council”) in respect of the consideration of whether an applicant is fit and proper to hold a hackney carriage or private hire driver’s licence.
- 1.2 The Council is responsible for regulating the provision of hackney carriage and private hire services under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and other related legislation.

When considering applications for many of the licence types available under the legislative framework, including hackney carriage and private hire driver’s licences, the Council must be satisfied that the applicant is a fit and proper person to hold such a licence.

- 1.3 This guidance forms the basis for Officers and the Members of the Licensing Committee on the way in which an applicant’s fitness should be considered. However, it is important to note that every application **must** be treated on its own merits, and the contents of this document do not bind the Council, its Officers or the Committee.

Decisions may be made that depart from this guidance, if the circumstances of the application warrant doing so. Any decision should be accompanied by full reasons for that decision, and those making the decision should be aware that departing without sufficient reason, or failing to consider such circumstances, may give rise to a judicial review of the decision.

- 1.4 It is noted that no attempt is made within the legislation to define the term “fit and proper person”, and this guidance likewise does not attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and this document contains examples of issues that may lead to the Council to determine that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

- 1.5 The Council may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.
- 1.6 An applicant who does not satisfy this guidance will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.
- 1.7 The overriding consideration in compiling and interpreting this guidance is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.8 Licences will be issued for a three-year period, in the absence of any other limitation that causes the Council to issue a shorter duration licence.
- 1.9 This guidance will be taken into account by the Council when dealing with any of the following matters:
  - a) An application for a new hackney carriage driver's licence (Section 46 Town Clauses Act 1847 / Section 59 Local Government (Miscellaneous Provisions) Act 1976).
  - b) An application for a new private hire driver's licence (Section 51 Local Government (Miscellaneous Provisions) Act 1976).
  - c) An application to renew a private hire or hackney carriage driver's licence (Section 51, 59 and 61 Local Government (Miscellaneous Provisions) Act 1976).
  - d) A proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61 Local Government (Miscellaneous Provisions) Act 1976).

- e) An application for a hackney carriage vehicle licence (Section 37 Town Police Clauses Act 1847 / Section 47 Local Government (Miscellaneous Provisions) Act 1976).
- f) An application for a private hire vehicle licence (Section 48 Local Government (Miscellaneous Provisions) Act 1976).
- g) An application for a private hire operator's licence (Section 55 Local Government (Miscellaneous Provisions) Act 1976).

1.10 Although Section 61 of the 1976 Act does not contain the same reference to a “fit and proper person”, the fact that such action may be taken due to “any other reasonable cause” will generally lead the Council to include similar considerations under that Section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

1.11 Any person refused a driver's licence on the grounds that the Council is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision.

1.12 Information provided by applicants will be treated in confidence and will only be utilised by the Council to determine whether the applicant is a fit and proper person to hold a licence.

## 2. Driving Entitlement

- 2.1 In accordance with Sections 51(1)(b) and 59(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, licences may not lawfully be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.
- 2.2 Applicants for new hackney carriage or private hire driver's licences shall have held a UK driving licence, a driving licence issued by a member state of the European Union or other exchangeable licence as defined in the Road Traffic Act 1988 for at least one year prior to the date of application. This period shall not include any periods when the driving licence has been suspended or revoked. Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address.
- 2.3 The Council will also carry out a separate check of an applicant's entitlement to drive in the UK via an appropriate verification agency. Applicants will be required to sign a consent form for this check as part of their application.
- 2.4 Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.
- 2.5 New applicants will be required to pass a Practical Driving Assessment - specifically for hackney carriage/private hire drivers, as approved by the Licensing Manager. For further information and to book and pay for your driving test go to either of the following providers:
- Lancaster Training Services  
<https://lantrain.co.uk/>
  - Blue Lamp Trust  
[https://www.bluelamptrust.org.uk/Driver\\_Training/taxi\\_driver\\_assessment.php](https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php)

2.8 Driving licence endorsements are covered later in this document. However, should a licence- holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

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### **3. Character and Licensing History**

- 3.1 The Council require applicants and licence-holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.
- 3.2 Although the Council will not seek character references in most cases, any other information may be taken into account, should the Council deem it relevant to the application in question.
- 3.3 Where an applicant has previously held (or currently holds) a licence, whether issued by Lancaster City Council or another local authority, information about the applicant's conduct under the previous licence(s) may be taken into account in considering an application. This may include details of any complaints made against the applicant, warnings given to the applicant by officers, or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will generally be refused.
- 3.4 In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues that may not necessarily have resulted in formal action.
- 3.5 If an application has previously been refused (or a licence revoked), then any further applications made within the period of 24 months from the date of refusal (or revocation) will generally be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council.
- 3.6 Knowingly or recklessly making a false statement in, or in connection with, an application is likely to result in that application being refused. In addition, as such conduct may constitute a criminal offence under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976; legal action may also be taken against the applicant.

- 3.7 Where an existing licence-holder is under an obligation to provide information to the Council (for example, details of any convictions or motoring endorsements received during the validity of the licence) and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.
- 3.8 Issues relating to criminal convictions will be addressed later in this guidance. However, the Council will pay particular attention to any convictions for offences with a public safety element.

## 4. Medical Suitability

- 4.1 Every application for a new licence or renewal of an existing licence will be required to be accompanied by a medical certificate, in a format specified by the Council, and completed by the applicant's own GP or by another suitably qualified medical practitioner who has had access to the applicant's full medical records. The medical certificate must have been completed within 1 month of the completed application/renewal date.
- 4.2 Applicant's will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA), the medical certificate requires the medical practitioner to state whether, in their opinion, the applicant complies with the standards and is medically fit to drive hackney carriages or private hire vehicles.

Applicants can down load a copy of the medical examination report via:

<http://www.lancaster.gov.uk/sites/business/licences-and-permissions/taxi-and-private-hire/taxi-and-private-hire-licence-forms>

A summary of the Group 2 standards can be viewed via:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/669519/inf4d-d4-medical-examination-report-for-a-group-2-bus-or-lorry-licence--.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/669519/inf4d-d4-medical-examination-report-for-a-group-2-bus-or-lorry-licence--.pdf)

- 4.3 Medical certificates are requested upon first application and upon licence renewal. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (unless otherwise requested by the applicant, or in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend/revoke or refuse to renew the licence.

- 4.4 Where an applicant does not fully comply with the standards, the Council will consider carefully whether this, in itself, will make the applicant an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit, although the Council may require further information or evidence from the applicant's doctor or consultant on the effect of such control measures, and the applicant's willingness to abide by the treatment programme.
- 4.5 Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.
- 4.6 Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.
- 4.7 The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice / GP Surgery.

## 5. Training Requirements

- 5.1 The Licensing Authority has identified that from time to time there will be a need for specific training within the Hackney Carriage and Private Hire licensing trade, in order to continually improve driver standards, knowledge and awareness.
- 5.2 Upon application or during the course of their licence, applicants / drivers may be required to undertake appropriate training, as determined by the Licensing Authority.
- 5.3 Failure to undertake the required training within the specified time may result in suspension / revocation or refusal to renew the relevant drivers licence.
- 5.4 Where outside bodies, charitable organisations or professional providers are employed by the Council to deliver bespoke training, any costs incurred will be recovered through licensing fees. All costs will be kept a minimum. The Licensing Authority has adequate in-house facilities to enable cost-effective training.
- 5.5 Applicants for hackney carriage and private hire drivers' licences will be required to attend Lancaster and Morecambe College to complete the btech level 2 Certificate "Introduction to the role of a professional Taxi and Private Hire Driver". Completion of the certificate will form part of the process of satisfying the Council that they are suitable persons to hold a licence.
- 5.6 Applicants are also required to pass a written local knowledge test as part of the College certificate.
- 5.7 The test will encompass questions, the majority of which are multiple choice, which will access the drivers' knowledge in the following areas:

### **Local Geography**

Applicants will be tested on their knowledge of Lancaster City Councils geography, recording the most direct routes between locations and identifying local landmarks.

### **Licensed driver responsibilities and Licence conditions**

Applicants will be tested on their knowledge and understanding of the hackney carriage and private hire licensing, and a drivers responsibilities.

### **Disability awareness**

All applicants will be tested on their knowledge on the carriage of assistance animals and interaction with disabled customers and any individual who has a protected characteristic under the Equality Act 2010 (or as amended).

### **General**

Questions covering vehicle maintenance, seat belts, smoking.

### **Safeguarding (Child Sexual Exploitation)**

This will assert drivers ability to identify those at risk, protect those who may be vulnerable or being exploited, ensure that their actions do not negatively contribute to such persons becoming victims and responsibility to report any concerns.

All relevant policies and procedures, licence conditions and information will be given to the applicant prior to taking the test.

- 5.8 The cost of the Training course is not included within the licensing fees and shall be paid directly to Lancaster and Morecambe College (funding options are available).

## 6. Right to Work in the UK

- 6.1 All applicants for a hackney carriage or private hire driver's licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at: [www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/](http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/) in ascertaining this status.
- 6.2 A licence will not be granted to an applicant who is not entitled to work in the UK.
- 6.3 It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals.
- 6.4 The UK Border Agency maintains a list of documents that can evidence such an entitlement, which is reproduced below. Documents in List A demonstrate that the person has an on-going entitlement to work in the UK; documents in List B indicate that the person has restrictions on their entitlement to be in the UK. Copies of documents produced will be retained.

<b>List A</b> <b>Documents showing an on-going right to work</b>	
A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.	An official document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the person, <b>and one of the following:</b> <ul style="list-style-type: none"> <li>An Immigration Status Document issued by the Home Office, the</li> </ul>
A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.	

A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a national of a European Economic Area country or Switzerland.	Border and Immigration Agency, or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom
A permanent residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.	<ul style="list-style-type: none"> <li>• A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents</li> <li>• A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents</li> </ul>
A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom	<ul style="list-style-type: none"> <li>• A birth certificate issued in the Channel Islands, the Isle of Man or Ireland</li> <li>• An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland</li> </ul>
A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.	<ul style="list-style-type: none"> <li>• A certificate of registration or naturalisation as a British citizen</li> <li>• A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom.</li> </ul>
<b>List B</b> <b>Documents showing a time-limited right to work</b>	
A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.	A document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Training and



<p>A Biometric Residence Permit issued by the UK Border Agency to the holder that indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.</p>	<p>Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder, <b>and one of the following:</b></p>
<p>A work permit or other approval to take employment issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency, <b>and one of the following:</b></p> <ul style="list-style-type: none"> <li>• a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question</li> <li>• a letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer confirming the same</li> </ul>	<ul style="list-style-type: none"> <li>• An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question.</li> <li>• A letter issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.</li> </ul>
<p>A Certificate of Application issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old <b>(the Council must also undertake employment checks with UKBA in this situation).</b></p>	<p>An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment</p>
<p>A residence card or document issued by the Home Office, the Border and Immigration Agency, or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.</p>	<p><b>(The Council must also undertake employment checks with UKBA in this situation).</b></p>

- 6.5 In addition to requiring documents as identified above, the Council may also make direct enquiries to the UK Border Agency, to verify the details of an applicant's right to work.
- 6.6 Where an applicant's entitlement to work (or to remain in the UK) is time-limited, it is open to the Council to consider granting a licence that expires in accordance with the entitlement to work. Should that entitlement subsequently be extended during the validity of the licence, an application to renew the licence for a longer period may be made, to be accompanied by evidence of the revised entitlement.

## 7. Criminal Convictions, Cautions and Reprimands

- 7.1 When submitting an application for a licence to drive a hackney carriage or a private hire vehicle, or to renew such a licence, applicants are required to declare on the application form ALL previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any on-going criminal investigations, prosecutions or similar legal proceedings of which they are the subject.
- 7.2 As hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, subject to The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (Amendment) England and Wales Order 2013, convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application. The 2013 Order introduced new categories of 'protected cautions' and 'protected convictions', which mean that after the passage of time an applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences.

### Protected Cautions

A caution is only a "protected caution" if:-

- It does not relate to a listed offence;
- It was given to a person aged under 18 at the time of the caution and two years or more have elapsed;
- It was given to a person aged 18 or over at the time of the caution and six years or more have elapsed.

### Protected Convictions

A conviction is only a protected conviction if:-

- It does not relate to a "listed offence" such as violence and sexual offences;
- No custodial sentence was imposed;
- It is the only conviction that the individual has received;
- It was received by a person aged under 18 at the time of the conviction and five and a half years or more have elapsed; and

- It was received by a person aged 18 or over at the time of the conviction and 11 years or more have elapsed.

The Council will generally only take such convictions into account if they are considered to be of particular relevance to the application in question or of an especially serious nature, or if there is some other cause to believe that the applicant cannot be considered to be 'rehabilitated'.

7.3 Upon initial application, all applicants will be required to obtain an enhanced level disclosure from the Disclosure and Barring Service (DBS).

This level of disclosure includes details of spent convictions and police cautions, as well as any non-conviction information deemed relevant to the application. This level of check is considered appropriate as a licensed driver may be left in sole charge of passengers under 18 years of age or other vulnerable adults, at any time and without prior knowledge. The Council shall facilitate these applications upon payment of the required fee.

7.4 The DBS certificate must have been issued within 1 month of the completed application/renewal date to form part of a valid application.

7.5 It is mandatory that all applicants' sign up to the update service, via [www.gov.uk-update-service](https://www.gov.uk/update-service). Once an applicant has a DBS certificate, they can register for the Update Service using the certificate number. This must be completed within 30 days of the certificate being issued.

This allows the Licensing Authority to check the status of a DBS certificate of an applicant or licensed driver at any time.

7.6 As DBS disclosures can be considered accurate only on their issue date, and may contain additional, non-conviction information, specific to the application and released at the discretion of the Chief Police Officer, Disclosures obtained previously through other bodies or for other purposes will not be accepted.

7.7 DBS disclosures will not include details of any foreign convictions, unless the conviction has been recorded on the UK Police National Computer. To enable the Council to properly consider an application, an applicant who has resided outside the

UK for a period of more than 3 months (excluding holidays) will be required to produce a 'Certificate of Good Conduct' from the relevant country(ies) (generally issued through the relevant embassy or consulate) which details any convictions or other matters arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate individuals or bodies as to their conduct in the country.

7.8 As a general rule, the Council will expect applicants for licences to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a licence but should be expected to have:

- remained free of conviction for an appropriate period and
- shown adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

7.9 It should be noted that the Council may refuse an application (or suspend or revoke a licence) after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a licence.

7.10 Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

7.11 On application to renew a licence, if no further convictions have been received since the previous application was considered, the Council will not consider it necessary to review convictions considered on the previous application. However, in cases where

new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.

- 7.12 Drivers licensed by the Council are required to notify the Licensing Section within 7 days, in writing, of any convictions, cautions or similar proceedings during the period of the licence. It is open to the Council to reconsider a licence during its validity period if a conviction (or similar) would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

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## 8. Statement on the Relevance of Convictions

- 8.1 In determining the relevance of a conviction or caution, consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since conviction and the applicant's conduct subsequent to that conviction.
- 8.2 In circumstances where previous convictions, cautions or other information relating to criminal matters is disclosed, the Council, when determining whether the person is a 'fit' and 'proper' person, will have regard to the following:-
- The relevance of the offence(s) or other matters revealed in the application;
  - The seriousness of any offence(s) or any other matter revealed;
  - The class / nature of the offences(s);
  - The age of the offences(s);
  - The age of the person at the time of the offence(s);
  - Whether the disclosure reveals a pattern of behaviour;
  - Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters; and
  - Any other information that is deemed appropriate for consideration in determining whether the person is a 'fit' and 'proper' person.

In addition to the above, the Council is also entitled to use all other records and information available to it in determining applications or entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities and information held by the police.

The overall offending history will be considered when assessing a person's suitability to be licensed or to continue holding a licence.

- 8.3 Where the applicant has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction.

8.4 It is noted that cautions are not convictions, but rather are an admission of guilt to a criminal matter. The Council may have regard to cautions when considering an application, and will take the following matters into consideration:

- The nature of the offence
- Any history of related cautions or convictions
- The guidelines applying to convictions of that category.

8.5 The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or a licensed driver to hold a licence.

8.6 Although some specific guidelines on the relevance of convictions are contained in the following sections for examples of offences to which the Council will pay particular regard, the Council will give equal consideration to offences falling outside of these categories and the examples given. Offences of a similar nature or differently entitled in any statutory provision, modification or re-enactment will be taken into account in accordance with the guidelines.

### **Crimes resulting in death**

8.7 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**

8.8 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 exploitation, grooming, psychological, emotional or financial abuse, this is not an exhaustive list.



### **Offences involving violence**

- 8.9 Where an applicant has a conviction for an offence of violence, 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**

- 8.10 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 7 years have elapsed since the completion of any sentence imposed.

### **Sexual and indecency offences**

- 8.11 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 8.12 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**

- 8.12 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Drugs**

- 8.13 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.
- 8.14 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 5 years have elapsed

since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Discrimination**

8.15 Where an applicant has a conviction involving or connected with discrimination in any form a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Motoring Convictions**

8.16 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

### **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**

8.17 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 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

8.18 Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Other motoring offences**

8.19 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

8.20 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Hackney carriage and private hire offences**

8.21 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Vehicle use offences**

8.22 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed

## 9. Private Hire Operators

- 9.1 In performing their duties private hire operators obtain and hold considerable amounts of personal and private information about their passengers, which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or unacceptable purposes.
- 9.2 As public trust and confidence in the overall safety and integrity of the private hire system is vital, private hire operators, including directors and shareholders are required to submit upon application, a basic level DBS certificate. The same standards will be applied to operators as those applied to drivers, therefore applicants will be accessed for suitability against the standards outlined in section 8 of this guidance.
- 9.3 Where applicant(s) have more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to hold a licence.
- 9.3 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. It would be best practice and recommended that private hire operators require all individual staff members to obtain a basic disclosure certificate as evidence of due diligence.

## 10. Vehicle Proprietors

10.1 Vehicle proprietors (both hackney carriage and private hire) have two principle responsibilities;

- 1) They must ensure that the vehicle is maintained to an acceptable standard at all times, and;
- 2) They must ensure the vehicle is not used for illegal or illicit purposes

10.2 As public trust and confidence in the overall safety and integrity of the private hire system is vital, vehicle proprietors and co-proprietors are required to submit upon application, a basic level DBS certificate. The same standards will be applied to proprietors as those applied to drivers, therefore applicants will be assessed for suitability against the standards outlined in section 8 of this guidance.

10.3 Where applicant(s) have more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to hold a licence.

For further advice and guidance regarding the relevance of convictions and/or application procedures please, contact the licensing department at Lancaster City Council.

### Contact Details:

Licensing Department  
Lancaster City Council  
Morecambe Town Hall  
Marine Road East  
Morecambe  
LA14 5AF

Telephone Number: 01524 582033

Email: [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

## ANNEX A - Endorsement codes and penalty points

### Accident offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

### Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

### Careless driving

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

## Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

## Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11

Code	Offence	Penalty points
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

## Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

## Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11



Code	Offence	Penalty points
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10

## Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

## Licence offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

## Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3

Code	Offence	Penalty points
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	6

## Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

## Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

## Speed limits

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6

Code	Offence	Penalty points
SP50	Exceeding speed limit on a motorway	3 to 6

## Traffic direction and signs

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

## Special code

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

## Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

## 'Mutual recognition' codes

You will get an 'MR' code on your driving record if you are disqualified while driving in Northern Ireland or the Isle of Man. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

### **Aiding, abetting, counselling or procuring offences**

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your driving record if you have helped someone to do this.

### **Causing or permitting offences**

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you have caused or permitted someone to do this.

### **Inciting offences**

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your driving record if you have incited someone to do this.

**Glenton, Jane**

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**From:** Newby, Elizabeth  
**Sent:** 22 July 2019 11:02  
**To:** Curtis, Jennifer  
**Subject:** FW: re consultation on licensing applicant guidance

Elizabeth Newby | Licensing Administrator | Communities and the Environment | Lancaster City Council | Morecambe Town Hall | Marine Road East | Morecambe | LA4 5AF

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**From:** Newby, Elizabeth On Behalf Of licensing  
**Sent:** 22 July 2019 11:02  
**To:** Curtis, Jennifer <[jcurtis@lancaster.gov.uk](mailto:jcurtis@lancaster.gov.uk)>  
**Subject:** FW: re consultation on licensing applicant guidance

FYI

Elizabeth Newby | Licensing Administrator | Communities and the Environment | Lancaster City Council | Morecambe Town Hall | Marine Road East | Morecambe | LA4 5AF

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**From:** Jackson, Caroline <[cjackson@lancaster.gov.uk](mailto:cjackson@lancaster.gov.uk)>  
**Sent:** 22 July 2019 10:55  
**To:** licensing <[licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)>  
**Subject:** re consultation on licensing applicant guidance

I welcome the introduction of the mandatory DBS update on validity and the requirement for DBS for vehicle proprietors and private hire operators.

Caroline Jackson  
Bulk ward councillor

**Glenton, Jane**

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**From:** Newby, Elizabeth  
**Sent:** 30 July 2019 16:41  
**To:** Curtis, Jennifer  
**Subject:** FW: Trade Consultation

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**From:** [REDACTED]  
**Sent:** 30 July 2019 16:25  
**To:** licensing <[licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)>  
**Subject:** Trade Consultation

Good afternoon

I have read through the above consultation and mainly agree with the checks being carried out in respect of those involved in the trade.

I trust once the consultation is completed the measures introduced will be made public. The safer our passengers feel will hopefully have an allover beneficial effect on the trade.

I do feel, however, that many drivers and owners are not fully aware of the requirements for obtaining licences. There are many reasons for this. Most new applicants look online and download a form – there is no information attached to this. I do appreciate the Guidance Notes give a brief outline of the additional requirements, however, there are no links to the other bodies involved. This is rather disjointed and does lead to confusion. Many are unaware the medical can be handed in after completion of the initial forms. I appreciate you offer an appointment system but your drive to online systems is obviously going to lead existing and new drivers and owners to the website as their first port of call. I feel, therefore, that the forms and online systems need to be made more clear.

Another point in respect of the online drive is that not all are computer literate. I have had one existing driver recently who decided not to renew his licence as he didn't have a computer or email address, another two struggled with registering with the online DBS update system. They have been made to feel it is going to be beyond them. This could be construed as discriminatory and perhaps there should be more transparency at your end in respect of the alternatives available.

I have been informed they can ring for advice, however, the phones are often unanswered which leads to them dropping into the Town Hall without an appointment and again having a long wait. I recently tried to ring to book vehicle tests – I tried numerous times at random and it took over 48 hours to obtain a response!

I feel whilst it is admirable the 'fitness' of drivers, owners, etc is being addressed there are other issues that need addressing

1. The length of time it takes a new driver to obtain a licence (this limits the people who apply)
2. The clarity of the process for applications – more transparency
3. The Trade Consultation section 5.8 regarding the College Course states 'funding options available'? What are these?
4. The overall cost of a new drivers licence is beyond the means of many and again is limiting applications

I trust you will consider these points

Regards

Ron & Pauline Gardner