



Committee: LICENSING COMMITTEE
Date: THURSDAY, 7 SEPTEMBER 2023
Venue: MORECAMBE TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 29 June, 2023 (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 Items**

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

"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 items of business, on the grounds 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 items have 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. **Determination of a Renewal Application of a Dual Drivers Licence Holder**
(Pages 4 - 25)

Report of the Licensing Enforcement Officer

7. **Determination of a Renewal Application for a Private Hire Drivers Licence**
(Pages 26 - 58)

Report of the Licensing Officer

The press and public will be re-admitted at this point.

8. **Signage Request for Private Hire Vehicle** (Pages 59 - 63)

Report of the Licensing Manager

9. **Extension to Pavement Licence Provisions** (Pages 64 - 81)

Report of the Licensing Manager

10. **Driver Application Standards** (Pages 82 - 169)

Report of the Licensing Manager

11. **Revised Statement of Licensing Policy 2023-2028** (Pages 170 - 198)

Report of the Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sally Maddocks (Chair), Margaret Pattison (Vice-Chair), Gerry Blaikie, Martin Bottoms, Phil Bradley, Claire Cozler, Andrew Gardiner, Erin Hall, Tim Hamilton-Cox and Shelagh McGregor

(ii) Queries regarding this Agenda

Please contact Democratic Support - email democracy@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 30 August 2023.

Document is Restricted

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

Document is Restricted

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

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

LICENSING COMMITTEE**Signage Request – Private Hire Vehicle****7 September 2023****Report of Licensing Manager****PURPOSE OF REPORT**

To determine a request from a licensed driver to place a magnetic sticker on the rear of his private hire vehicle.

This report is public.

RECOMMENDATIONS

(1) That members consider Mr Gray's request.

1.0 Introduction

1.1 The Licensing Service have received a request from Mr Jonathan Gray, a dual licensed driver (private hire and hackney carriage). Mr Gray is the licence holder of private hire vehicle PV519, a grey Ford Tourneo, connect; licensed to carry 6 passengers.

2.0 Proposal Details

2.1 Mr Gray has requested that he is permitted to display a magnetic sign on the rear of his licensed vehicle. See **Appendix 1**, photographs of signage and positioning.

2.2 Attached at **Appendix 2** is a letter from Mr Gray detailing his request.

2.3 Mr Gray has been invited to attend today's meeting to address members and provide further details regarding his request.

3.0 Options

3.1 Options available to member,

- a) Grant permission to Mr Gray to allow him to display the signage as set out in his request on PV519 until such time determined by members.
- b) Reject permission to display additional signage, or
- c) Grant the permission and amend positioning of signage.

4.0 Conclusion

- 4.1 Section 5.9 of the Councils Private Hire and Hackney Carriage Policy states that no markings of any nature, other than standard manufacturer’s markings, or Council approved signs are permitted to adorn licensed vehicles. The signage requirements are set out in Appendix N of the policy.
- 4.2 Any permission that deviates from the policy must be sought from Licensing Committee.
- 4.3 Members are reminded to give full and detailed reasons for their decision.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing): Vehicles licensed by Lancaster City Council must adhere to the signage policy as set out in the Private Hire and Hackney Carriage Licensing Policy. This will assist the public to identify the licensed vehicles and travel safely in the knowledge vehicles have undergone appropriate checks for roadworthiness and that the driver has been vetted for safety and suitability.</p>	
<p>LEGAL IMPLICATIONS</p> <p>None identified.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>None identified.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces</p> <p>None Identified.</p>	
<p>SECTION 151 OFFICER’S COMMENTS</p> <p>None.</p>	
<p>MONITORING OFFICER’S COMMENTS</p> <p>None.</p>	
<p>BACKGROUND PAPERS</p>	<p>Contact Officer: Jennifer Curtis Telephone: 01524 582732 Email: jcurtis@lancaster.gov.uk Ref: Gray/Request</p>







11/08/2023

To the members of the Licensing Committee.

I am a dual driver badge holder (0559) and an owner (PV519), I am writing to yourselves today for a request, I am wanting to see if I able to place a magnetic sticker to the rear of my vehicle.

I made this request to Licensing, they said for me to contact yourselves.

I am a pet friendly owner vehicle, my reason for this request to place a magnetic on the rear of my vehicle, this sticker doesn't benefit me in any way of income, its more that I am supporting them, with people that are in need of guide/assistance dog and wanting to show my support, it may not enhance the service provided and I don't get any gain on revenue, as god forbid if one of us may need. I am wanting to place this sticker in line with my number place and below model on the rear side, as shown in the attached photograph.

Please find attached pictures within the email sent, I placed the magnetic sticker I am referring to, on my vehicle for illustration purposes.

I am ware of the 5.9 Signage, if you not allow, but I am also it could help with 4.12 Carriage of Assistance Dogs, as I did have a regular, he has now stopped using because he cant rely on a driver (when I am off duty) to collect him. I think as a trade that the handy capped residents are losing faith with the taxi services within the district.

If I use my vehicle for personal use, (as I am the only one registered to drive my vehicle) as my insurance states that I am able to. Being that my vehicle is licensed, how can I advertise when I am off duty? In which I'd like to bring up, is that I don't understand is why do I need to have stickers when the magnetic signage was enough for me, as I was told a few times under test at the VMU that if take the magnetic signage off, it will be a pass, not a defect notice on the last test. I still see the odd licensed Lancaster vehicles not conforming to this regulations, with names and numbers, think pink ribbon sticker, their own company on the rear (not on the side), that are being advertised.

I will be looking forward and waiting to hear your outcome on this.

Jonathan Gray

LICENSING COMMITTEE**BUSINESS AND PLANNING ACT 2020****Extension to Pavement Licence Provisions****7 September 2023****Report of Licensing Manager****PURPOSE OF THE REPORT**

To seek approval for the extension to existing administration and enforcement provisions contained within Part 1 of the Business and Planning Act 2020 in respect of Pavement Licences.

RECOMMENDATIONS

1. **Retain the existing fee of £100 that is set for the grant of a pavement licence for a further 12 months until 30th September 2024.**
2. **That where a pavement licence is granted it shall normally be granted for a period up to and including 30 September 2024 or a lesser period (not less than 3 months) as directed by the applicant or upon determination by the Local Authority**
3. **That the policy and associated appendices (1-4) attached at Appendix A be extended for a further year to 30th September 2024.**

1.0 Introduction

1.1 On 22 July 2020 the Business and Planning Act 2020 came into force.

1.2 Part 1 of the Act deals with the consumption and sale of food and drink outdoors and relates to two licensing issues.

- The introduction of Pavement licences
- The modification of premises licences to authorise off sales of alcohol for a limited period.

1.3 Historically the Council has dealt with the Licensing of Street/ Pavement cafes utilising the provisions contained within the Highways Act 1980. In effect the licensing of such areas is the Council giving its approval for the applicant to use the part of the highway as indicated by the licensee in his/her application. The Highways Act 1980 street café

licences remain in place for 1 year, cost £190 and are subject to a set of standard licensing conditions. The licensing conditions are generally concerned with:

- Protecting public safety
- Preventing public nuisance
- Ensuring access for public utility providers when needed
- Promoting the appearance of the area (quality/ type of furniture etc)

The Highways Act 1980 licence makes provision for licences to be revoked where problems are identified. The provisions of the Highways Act 1980 street café licences remain in statute and therefore any licences issued under these provisions remain valid.

- 1.4 The Business and Planning Act 2020 (the “Act”) introduced a “Pavement Licence” for the licence holder to put removeable furniture on part of the highway **adjacent** to the premises to sell / serve food and/or drink and also allows people to consume food and or drink supplied from or in connection with the premises. In effect this allows the area to be used as an extended seating area to the premises or to be a stall from which food/ drink is sold/ served. The licence can be applied to any premises which sells food and/or drink for consumption on or off the premises and is not restricted to those premises where alcohol is sold. For example, it can be used by a café to set up an ice cream stall outside,) or it can be used to facilitate what we traditionally regard as a street café.
- 1.5 The Business and Planning Act 2020 also introduced provisions for the automatic modification of premises licences (issued under licensing Act 2003) to authorise the “off-sale” of alcohol for a limited period. The period currently ends on 30 September 2023. The Act does include measures to exclude certain premises that are currently specifically excluded from selling “off sales” and also makes it clear that those off sales are only permitted during the hours that the premises is licensed for on sales. There are also provisions within the Act regarding proposals to review licences in respect of off sales that have proved problematic.
- 1.6 The above two provisions were introduced as a temporary measure up to and including 30 September 2023 only in order to facilitate the operation of business within the restrictions / guidance in place at the time regarding the COVID- 19 pandemic. The pavement licence provision provides a fast-track application procedure detailing a 7 days consultation period and a subsequent maximum 7 day period in which those applications must be determined, failure to do so results in licences being granted by default.
- 1.7 The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023 has come into force extending pavement licence renewal dates to 30th September 2024.

Under the Business and Planning Act 2020 (2020 Act), a pavement licence may specify an expiry date, which may not be later than the date specified in section 4(2)(b). If a pavement licence does not specify an expiry date, the licence expires on the date specified in section 4(1)(b). If a pavement licence is deemed to be granted under section 3(9) (where the local authority has failed to determine an application), that pavement licence expires after a year, or if earlier on the date specified in section 4(4).

Prior to these Regulations, the date specified in each of those subsections is 30th September 2023. Regulation 5 extends the dates by twelve months, to 30th September 2024.

Regulation 5 only applies to a pavement licence for which application is made on or after the date these Regulations come into force.

These Regulations extend to England and Wales.

Regulation 6 extends the expiry of sections 1-9 of the 2020 Act generally, also to 30th September 2024.

2.0 Background information regarding Pavement Licences

2.1 The Act details the following:

- Applications must be made in writing to the Local Authority
- Applications must be accompanied by a fee of not more than £100 as the local authority may require.
- Applications must contain specific information; these are not detailed in this briefing paper but replicate the information currently required by the Council in respect of Highways Act licence applications.
- The local authority has to publish the application and publicise the 7-day consultation period.
- The applicant must place a notice at the premises advising of the application, the details of the notice requirements are not provided in this report but largely replicate the Licensing Act public notice requirements. The notice must stay in place until the end of the consultation period.
- The local authority must consult the highways authority and any other persons it considers appropriate regarding the application.
- The local authority must consider any representations made during the consultation period.
- The local authority has 7 days following the close of consultation to determine the application, failure to do so means that the licence is granted by default.
- The local authority can grant or refuse the licence in respect of any or all of the purposes and or in respect of some or all of the highway area.
- The licence if granted, cannot be for a period of less than 3 months and can be up to and including 30 September 2023 (extended to 2024)
- The licence will be subject to default mandatory conditions in respect of provisions of no smoking areas and access for mobility impaired and can be subject to reasonable conditions imposed by the local authority
- Pavement licences do not currently repeal the provisions of the Highways Act Licences, as such existing highways licences remain in place and valid.
- There are several provisions detailed in the Act in respect of enforcement powers, these include the facility to revoke the licence in respect of public health or safety concerns, anti-social behaviour, public nuisance or obstruction of the highway.
- The Act details that a pavement licence constitutes deemed planning permission.

3.0 Recommendations

- 3.1 Members are asked to amend the Council's existing Pavement Licence policy to extend the period in which such licences and conditions associated with them are extended for a further 12 months until 30th September 2024.
- 3.2 The policy outlining the Councils processes and procedures has been updated to reflect the amendments in respect of applications for Pavement licences. **Appendix 1.**

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The Business and Planning Act 2020 introduced Pavement Licence provisions to assist businesses recover post-pandemic. The provisions will be extended further until the legislation is passed.

FINANCIAL IMPLICATIONS

The current fee for a Highways Act Street café licence is set at £190, this fee has been set at a level of cost recovery. The Pavement Licence administrative process will largely replicate that of the Highways Act Street café licence process. the maximum fee that can currently be charged by the Council for a Pavement licence is £100.

The administrative work involved in processing the application is similar to that associated with Highways Act Street Café licences, with the additional administrative burden of a requirement to determine applications within 7 days of the close of consultation.

LEGAL IMPLICATIONS

These are outlined in the report and there are no further comments to add.

SECTION 151 OFFICER'S COMMENTS

None

MONITORING OFFICER COMMENTS

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

BACKGROUND PAPERS

None

Contact Officer: Miss J Curtis
Telephone: 01524 582732
E-mail: jcurtis@lancaster.gov.uk
Ref: JC

Lancaster City Council

Pavement Licensing Policy

Business and Planning Act 2020

Effective: 31 July 2020 v3
Updated 9th August 2023

Contents

Section	Title	Page
1	Introduction	
2	Scope	
3	Application and Determination of Pavement Licences	
4	Conditions	
5	Enforcement	
6	Review Procedures	
Appendix 1	Site Notice Template	
Appendix 2	Lancaster City Council Pavement Licence Conditions	
Appendix 3	National Conditions	
Appendix 4	Scheme of Delegation	

1. Introduction

The Covid-19 pandemic has affected businesses across all sectors of the economy causing many to cease trading for several months while others have had to significantly modify their operations.

On 25 June 2020 the Government announced an intention to relax planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act 2020 received Royal assent on 22 July 2020 and provides a fast track process for premises selling food and drink such as bars, restaurants, cafes and pubs, to sell and provide seating for customers outdoors through temporary changes to legislation. The Act introduces a temporary permission, in the form of a “pavement licence”, to be issued by Lancaster City Council for furniture such as tables and chairs to be placed on the pavement adjacent to their premises which will enable them to sell food and drink from that area and to maximise seating capacity whilst adhering to social distancing guidelines.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It is a temporary measure, with provisions lasting until the end of September 2024.

Currently, tables and chairs permissions are granted as Street café licences issued by Lancaster City Council, under Part 7A of the Highways Act 1980. The Street café licence fee is currently £190 for an annual licence and is subject to a statutory 28-day consultation period. Licence conditions are also attached to the grant of these licences.

The new measures in the Business and Planning Act, places a cap on the application fee for businesses, specifies a 7-day consultation period with licences automatically granted if not determined by the Council within a further 7 day period

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to sell food and or drink and place removable furniture over certain highways adjacent to the premises in relation to which the application was made.

2.2 Highways Act Street Café Licences

A holder of a Street Café licence may choose to apply for a Pavement Licence. A holder of a Street Café licence can apply free of charge for a Pavement Licence, to cover the same licensed area as the Street Café Licence, up to and including 30 September 2024. The application process is as outlined in this policy.

2.3 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible

include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

2.4 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A (1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or Crown land are exempt (so a licence cannot be granted).

2.5 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.
- Ancillary items such as hand sanitising stations required to ensure that the area is covid secure

The furniture is required to be removable, and must be capable of being easily moved, and stored away in a secure safe manner when not in use.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.6 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form
- the required fee of £100, (online payment)
- a plan showing the location of the existing premises and the area to which the application relates (ie pavement licensed area) shown by a red line, so the application site can be clearly identified

- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- photos or brochures showing the proposed type of furniture.
- Reference of any current street café licence (Highways Act 1980) issued by Lancaster City Council.
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself).
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £2 million,

3.2 Fees

The Council has determined that the fee for applications will be £100. A pavement licence if granted will be issued from the date the application is granted until 30 September 2024. The £100 fee is payable irrespective of the duration of the licence, and is non-returnable

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at www.lancaster.gov.uk.

The Council is required by law to consult with the Highways Authority ie Lancashire County Council. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- Lancaster/ Morecambe Town Centre Management/ Business Improvement Manager, Carnforth Chamber of Commerce as appropriate
- Lancaster City Council Environmental Health Service (including Noise pollution and Food and Safety Teams)
- Lancaster City Council Planning Department
- Lancashire Fire & Rescue Service
- Lancashire Police
- Lancaster City Council Environmental Services (refuse/street cleaning)

Representations from the above parties or members of the public should be provided to Lancaster City Council's licensing team by emailing licensing@lancaster.gov.uk. The email should be headed Pavement licence representation followed by the name of the premises.

The Council will take into account representations received during the public consultation period and consider these when determining the application. The application will be determined in accordance with the relevant sections of the Council's scheme of delegation outlined at **Appendix 4**

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period.

Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must: contain the information as detailed in **Appendix 1** and must be a minimum size of A4 and use Black type in a minimum font size 16.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying for a pavement licence, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation.

If the Council determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application and impose conditions,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

Where a valid application has been made and no objections received the application will be granted by licensing officers

Where a valid application has been made and relevant representations are received the application will be determined by The Licensing Sub Committee

If the Council does not determine the application within the 14-day period, the application will be deemed to have been granted.

A template for the notice required is provided at **Appendix 1**

3.7 Approval of Applications

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours of operation and appearance and location of the furniture corresponding to the application.

The Council generally will only permit Pavement Licences between 09:00 and 22:00 hours

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

The provisions regarding pavement Licences will remain in place until 30 September 2024. As such, the Council will normally grant applications to 30 September 2024.

A licence granted or deemed to be granted will not be valid beyond 30 September 2024.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by conditions, then the application may be refused.

There is no statutory right of appeal detailed in the Act.

4. Conditions

The Council's standard conditions are set out at **Appendix 2**. In some cases, extra measures may be required. This will be considered when determining any application which has been subject to representations, on a case-by-case basis.

However, this is not the case for the national licence conditions which are applied to all Pavement licences. These are detailed at **Appendix 3**.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Social distancing controls, Applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the Council can take action to cover any costs.

The Council may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour, statutory nuisance or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act which are scheduled to expire on 30 September 2024.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licence's generally, relevant social distancing measures or as a result of local considerations within the Lancaster City Council area.

**BUSINESS AND PLANNING ACT 2020
Notice of Application submitted to
LANCASTER CITY COUNCIL
In respect of a Pavement Licence for**

NAME OF PREMISES]
[FULL ADDRESS OF PREMISES]

NOTICE IS HEREBY GIVEN that in accordance with Business and Planning Act 2020
(applicant name)
Has made an application to Lancaster City Council on *(Date)* for a Pavement Licence

The application is in respect of
(Description of the highway area to be utilised e.g area extending X meters from the frontage of the premises address)

And is seeking permission to utilise a Pavement Licence to facilitate
(description of the activities to be carried on)

The proposed hours of operation are as follows
(please insert days and timings)

A copy of the proposal and accompanying plan are available for inspection on the Councils website at XXXXXXXXXX

Any person wishing to make representations to the Council regarding this application may do so by emailing Licensing@lancaster.gov.uk. The email should be headed Pavement licence representation *(insert premises name)*. Alternatively, in writing to the Licensing Manager, Morecambe Town Hall, Marine Road, Morecambe LA4 5AF **to be received no later than 7 days from the date of this notice.**

Signed Name in Print

Dated this th day of 2023/4

(The date of the notice must be stated as the day after the application was made)

Pavement Licences**Standard licence conditions**

- 1.0 The Licence will have effect until 30 September 2024 unless surrendered or revoked.
- 2.0 The issue of a License does not give or imply any permission to sell intoxicating liquor in the street.
- 3.0 The Licence shall be displayed in the window of the premises to which it relates.
- 4.0 The use of the Licensed Area shall cease before 22.00 hours each day and shall not commence prior to 09.00.
- 5.0 The Licensed Area shall be vacated immediately if requested by the Council, Lancashire County Council as Highway Authority, Lancashire Constabulary or other emergency service, statutory undertaker etc. without any liability for compensation, refund of application fee, or damage arising.
- 6.0 The Council reserve the right to request the clearing of the licensed area if required for special one-off events for public safety.
- 7.0 The Licence shall be rendered invalid, should the Licensee cease to own the premises or cease employment.
- 8.0 The Licensee shall indemnify the Council and shall produce to the Council's Licensing Manager for inspection a policy of insurance indemnifying himself and the Council against any injury or damage to any person or property and against any claim liability expense or damage arising by reason or in consequence of the permission granted. The policy shall provide cover of not less than £2,000,000 in respect of any one accident or series of accidents arising from one incident unlimited during the period of the insurance.
- 9.0 Upon expiry or revocation of the permission the Licensee shall remove any structures from the highway and reinstate the highway to its former state and condition and in default thereof, the Council will be empowered to carry out such work of reinstatement and recover the expense in so doing from the Licensee.
- 10.0 For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.8 metres must be provided for safe and convenient pedestrian movement. This distance being, measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc). Where there is a heavy pedestrian flow additional footpath space may be required.

- 11.0 For pedestrianised streets a minimum width of 1.8 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street.
- 12.0 A clear direct pathway of at least 1.2 metres wide shall be maintained to allow entry and exit from building premises.
- 13.0 Only the Licensed Area shall be used for trading.
- 14.0 Where tables and chairs are proposed directly outside a shop front, a well designed and constructed physical barrier or roped area of approximately 0.8 metres in height is required to designate the area and to guide persons with sight disability around the use. Such barriers must not be permanently fixed to the ground and must be of a style, design and type to be agreed by the Council.
- 15.0 Only furniture associated with the operation of the pavement licence shall be placed within the Licensed Area. .
- 16.0 Tables and chairs shall be durable and suitable for outside use. No damaged furniture should be used.
- 17.0 An area of 1 metre around the Licensed Area must be regularly cleansed and floor debris and other' waste immediately removed to the satisfaction of the Council's Head of Environmental Services.
- 18.0 Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.
- 19.0 No canopy or umbrella shall be lower than two metres in height and shall be adequately secured.
- 20.0 All street cafe furniture, including barriers shall be removed and safely securely and stored at the end of trading each day, or at the end of the approved trading hours as defined by the Licence, whichever is the earliest.
- 21.0 Suitable safe storage for street café furniture shall be identified by the applicant at the time of application for a license.
- 22.0 There must be adequate provision made for the collection and containment of litter and, the Licensee must provide suitable litter bins.
- 23.0 The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
- 24.0 The Licensee shall at all times when the pavement cafe is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so.

- 25.0 The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or other persons.
- 26.0 No speakers or playing of music shall be permitted.
- 27.0 No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
- 28.0 No tables and chairs (street furniture) to be placed so as to cause an obstruction or nuisance to any Charter Market stall holder.
N.B. This may mean that a Pavement Licence cannot be used whilst the market is taking place.
- 29.0 Where alcohol is permitted to be served or consumed in the licensed area glass receptacles including bottles cannot be used. Polycarbonate or similar material receptacles should be used.
- 30.0 All patrons consuming intoxicating liquor must be seated at a table within the licensed area, there will be no vertical drinking.

National Licence Conditions

Smoke-free seating condition

The licence holder must make reasonable provision for seating where smoking is not permitted.

No obstruction condition

The licence-holder must ensure that anything done in pursuant to the pavement licence, or any activity of other persons which is enabled by the pavement licence, must not have an effect on the following:

(a) preventing traffic, other than vehicular traffic, from:

(i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),

(ii) passing along the relevant highway, or

(iii) having normal access to premises adjoining the relevant highway,

(b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,

(c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or

(d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Function		Decision Delegated to
Determination of Pavement Licence	Where, during the public consultation period, no representations have been received.	Licensing Manager (ref part 2 Section 7)
	Where, during the public consultation period, representations have been received.	Licensing Sub Committee (ref part 2 Section 5)

Ref – Councils Constitution

LICENSING COMMITTEE

**Application Standards -
Private Hire and Hackney Carriage Drivers**

7 September 2023

Report of Licensing Manager

PURPOSE OF REPORT

To review the “fit and proper” assessment for private hire and hackney carriage driver licences with a view to streamlining application processes.

This report is public.

RECOMMENDATIONS

- (1) That members consider the options set out in the report and determine whether to amend application processes or standards.**
- (2) By amending or removing parts of the application process it may compromise public safety, all decisions must consider the protection of the public above all other factors.**

1.0 Introduction

1.1 At a meeting of the Taxi Working Party (July 2023), members of the local licensed trade raised concerns with the group regarding the viability of the local trade should the application standards currently in place remain. They felt that the Lancaster and Morecambe College Course (or equivalent) was a barrier to new applicants entering the trade, furthermore they felt the process and time taken to become licenced was lengthy.

In response to the concerns, the group requested that the Licensing Manager undertakes a review of application standards currently in place and provide options to Licensing Committee of how improvements and efficiencies could be made.

Benchmarking with Lancashire and Cumbrian Authorities will also be undertaken, this will provide an opportunity to evaluate the standards adopted in Lancaster against other Local Authorities, hopefully providing reassurance to members that the application standards for Lancaster are comparable.

2.0 Report

- 2.1 Legislation requires that private hire and hackney carriage drivers are “fit and proper” but does not provide a definition as to what constitutes fit and proper.

The department for transport (DFT) Statutory Standards (2020) suggests that the following question may be helpful in the consideration of fit and proper “***without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night***”.

The Council is not fettered in its discretion as to what can be taken into consideration regarding the “fit and proper test”, but routinely considers a person’s conduct, (this extends beyond criminal and motoring convictions), their driving skills, knowledge and awareness of issues relevant to the role of a licensed driver and medical suitability.

- 2.2 The application process for private hire and hackney carriage drivers requires several tests be satisfied before the Council can consider an individual “fit and proper” to be a licensed driver (private hire or hackney carriage). In terms of new applicants, they are required to provide:

- Evidence of right to work
- Fully completed application form
- 2 recent passport size photos ('one must be certified as true likeness')
- Satisfactory DVLA Group 2 medical (completed within 1 month by a medical practitioner who has had sight of the applicant’s medical summary)
- A full current DVLA driving licence held for a minimum period of 12 months and a time limited DVLA check code
- An appropriate practical driving certification from an approved training provider
- An enhanced DBS certificate for the role of taxi driver and other workforce together with DBS update service details
- An overseas check – certificate on good conduct (required for persons who have spent time away from the UK)
- A BTEC level 2 / City and Guilds level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver issued by Lancaster and Morecambe College – incorporating the Lancaster City Council taxi drivers knowledge test and safeguarding presentation
- The licence fee

Details of each application process is contained in the “Drivers” section (4) of Lancaster City Councils Private Hire and Hackney Carriage Licensing Policy. Attached at **Appendix 1** for members reference.

- 2.3 Once all documents have been submitted, an application can be determined, if the applicant does not meet the standards set out in the policy it is determined by the Licensing Manager, if all parts are complete and meet the required standard, the licence is granted by an authorised officer. The application process **can** be completed in 6-8 weeks.

On average the cost of an application, inclusive of a 3-year drivers licence is approx. £600. Some parts of the process can be obtained through support service at no cost to the applicant.

3.0 Review of Current Standards

- 3.1 The table attached at **Appendix 2** sets out the current application standards, reasons for adoption, options available to streamline the process, and risks associated with removing in part or the requirement as a whole.
- 3.2 Members will note that there are a number of application criteria that are standard or non-negotiable, either due to legal requirements or industry best practice. E.g. Right to work check and DVLA Group 2 Medical Examination.
- 3.3 The requirement(s) to undertake a professional driving assessment, disclosure and barring service (DBS) check providers and training level have been identified as areas that could be reviewed. They present the most variation when considering the benchmarking with Lancashire/Cumbrian Authorities. Detailed at **Appendix 3** for members information.
- 3.4 Professional Driving Assessment

For licensed drivers to meet the “fit and proper” test the Council require an applicant to satisfactorily complete a practical driving skills assessment with an approved training provider. Applicants can choose from Blue Lamp Trust or Lancaster Training Services.

Whilst it is recognised that all driver applicants are required to hold the relevant DVLA driving licence, this is not necessarily a measure of a person’s current driving skills. The satisfactory completion of a practical driving assessment is required as evidence that an applicant has good practical driving skills, this is seen as a key requirement for both driver and passenger and public safety.

There has been no feedback from applicants regarding accessibility or availability of tests.

3.5 DBS Providers

As part of the driver licence new application process, an applicant is required to complete an enhanced Disclosure and Barring Service (DBS) check.

In addition, all new applicants and existing licensed drivers are required to sign up and maintain subscription to the DBS update service. This can be done at any time from the date of submission of the disclosure application up to and including 30 days from the date when the disclosure certificate is issued. This allows the Licensing Authority to check the status of a DBS at any time.

Currently, the Licensing Authority facilitates DBS checks and verifies the identity of applicants. The cost of the initial check is cost neutral (£44.00) and payable to the Licensing Authority, the subscription fee (£13.00 annually) is paid directly to the DBS service and maintained by the applicant/driver.

Some Licensing Authorities utilise the services of a third-party provider of DBS checks, this would require applicants to apply for a DBS check independently. Identification and interim licence checks may also be undertaken by the provider, reducing the administrative burden on the Licensing Service.

The cost of a third party undertaking the checks is higher than if the Licensing Service continued to facilitate the checks. Any increase in cost would need to be met by the applicant/driver.

- 3.6 Enquiries have been made with Personnel Checks, a provider of enhanced DBS checks, DVLA licence checks and interim DBS status checks. Personnel Checks currently facilitate Lancaster City Councils employee DBS checks on behalf of Human Resources.

Applicants would access Personnel Checks website and complete an application and verify ID documents online, they would then be prompted to sign-up to the update service via the DBS service. The cost of the online application process is £59.00, payable directly to personnel checks by the applicant, a further £13.00 annual maintenance fee would be paid directly to the DBS service for the update service.

This would be completed independently of the licensing service; Lancaster City Council website would provide a link for applicants to access the process.

A system accessible by the licensing service and personnel checks would be maintained, interim DBS status checks would also be conducted every fortnight and any change in DBS status would be flagged to the service to notify the driver to complete a further DBS check. The cost of the interim checks is £7.20 per driver, per year, paid by the licensing service to personnel checks, recoverable via individual licence fees.

The licensing service would provide all licensed driver details to Personnel Checks and migrate information onto their system, this will ensure that checks are completed on drivers currently licensed.

Although not guaranteed, the expected return time for a DBS check facilitated by personnel checks is 2-3 weeks, which is considerably sooner than the current process.

Over 90 Licensing Authorities currently use this system.

- 3.7 Qualification Requirements, Including Knowledge and Safeguarding tests

For licensed drivers to meet the "fit and proper test" The Council regard it essential for drivers (hackney carriage and private hire) to have relevant knowledge, awareness and skills.

Prior to submitting an application for a private hire or hackney carriage drivers licence potential applicants are required to attend Lancaster and Morecambe college to take an English and Maths assessment where they need to achieve Level 2 to be able to progress to the next stage.

Following the English and Maths assessment successful candidates (i.e. those who have reached the level 2 standard) are required to sit Lancaster driver knowledge test, this assesses a candidates knowledge of the routes, localities and points of interest within the City area and beyond and it also assesses a candidate knowledge of licensing laws and local licensing conditions. It is considered that this knowledge requirement is an essential part of the "fit and proper test" that licensed drivers are required to meet. Licensed drivers must be able to effectively communicate with their passengers and other members of the public, they must have good topographical knowledge of the area in which they intend to driver i.e. Lancaster City Council area, and they must also have good knowledge of the rules they will be required to follow whilst working as a licensed driver in the city.

Once a candidate has passed the basic skills (Maths and English), the Lancaster

knowledge test and safeguarding presentation/test, they are required to complete the BTEC City and Guilds Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver.

This is provided by Lancaster and Morecambe College; the course is a 4-day programme. There are 9 units covered over the 4-days:

1. Health and Safety in the taxi and private hire work environments
2. Road safety when driving passengers in a taxi or private hire vehicle
3. Professional customer service in the taxi and private hire industry
4. Taxi and private hire vehicle maintenance and safety inspections
5. The regulatory framework of the taxi and private hire industry
6. Taxi and private hire services for passengers who require assistance*
7. Routes and fares in the taxi and private hire vehicle industries
8. Transporting of parcels, luggage and other items in the taxi and private hire industries
9. Transporting of children and young persons by taxi and private hire vehicle

All the above exams are assessed on-line, exams undertaken in the classroom and the candidates have to achieve over 70% to pass each unit.

*Unit 6 has the practical assessment which candidates need to successfully pass also

Applicants have the option to re-sit failed modules and obtain support from Lancaster and Morecambe College tutors to meet the required standard.

The cost of the course is £100.00 if applicants are currently unemployed/on job-seeking allowance or other benefits they could access the course for free.

The course is run monthly with the exception of August and December, the next are scheduled for 26/9, 31/10 and 28/11 (2023).

- 3.8 In previous years (post 2018), applicants completed an apprenticeship with Blackpool and Fylde College, they were given 12 months, post licensing to complete the qualification. The onerous was very much on the driver to complete the training. Furthermore, with the providers operating out of district, applicants found attendance difficult.

In 2018, Lancaster City Council and Lancaster and Morecambe College built a bespoke package for the qualification, inclusive of the local knowledge test and safeguarding presentation. Since that time, new staff members have attended the course, not only to further their knowledge and links with new members of the trade, but to review the course content and assess the viability of the course as a whole.

Jasmine Elkins, Licensing Officer stated the following in respect of the course.

I attended the Taxi and Private Hire Course at Lancaster and Morecambe College in November. I attended the training sessions, however, did not sit the actual exams as I would have had to been registered with City and Guilds.

On my first day of the course, I met Joanne Wilson (Jo) who runs the sessions, she was very welcoming, and had made everyone a folder filled with useful documents, reading lists, handouts, and mock quiz's. The other taxi drivers were also assigned reading prior to the training sessions.

The training sessions I attended were:

- *Health and Safety*
- *Road Safety*
- *Customer Service*
- *Maintenance and Safety Inspections*
- *Regulatory Framework*

Jo is knowledgeable, engaging, and enthusiastic, although I am not wanting to become a taxi driver, I still found myself genuinely interested in what Jo was saying, and I found it beneficial as a new Licensing Officer to attend.

Jo covered in detail, not only key areas such as Road Safety and Customer Service, but also went into depth regarding the policy, the application process and answered all questions that the driver's had.

At the end of each of training session, Jo conducted a revision session, including a multiple-choice mock quiz. I passed all the mock quiz's that I completed. I found the questions fair and not too difficult, especially considering the resources and knowledge you are given during the training sessions. We reviewed the answers as a group, which was useful to highlight gaps in driver's knowledge, to thoroughly prepare them for their exam.

The feedback that I gathered from drivers during the sessions was positive, and all the drivers I spoke too found it useful and informative. I believe removing the taxi college course would be at great detriment to the standard of future taxi drivers, as well, as hinder public safety and increase pressure on Licensing staff. I ask members before making a decision on this matter, to speak to Jo or even attend a day or two of the course yourself to understand its importance.

- 3.8 Members have the option to remove the training requirement from application criteria, require it to be completed within a specified time post licensing or maintain current standards.

If members removed the training provision or amend when it had to be completed, the knowledge test and safeguarding presentation would have to be facilitated by the City Council, which would have to be at a separate cost to the applicant and place a increased resource requirement on the Licensing Service. The cost of facilitating these tests and potential re-tests may exceed £100.00, particularly is considering re-sits.

- 3.9 Importantly, the assessment of a person being fit and proper is determined upon application, requiring an applicant to complete the training post licensing may be deemed as "closing the stable door after the horse has bolted", trying to fix something after a problem has occurred. e.g., Allowing an applicant to drive without the relevant knowledge or training beforehand. It therefore may present a legal challenge should a suspension be considered as a sanction for a driver who failed to undertake the training within the timescale set.

4.0 Options

- 4.1 The options available to members are:

a) Consider removal of the requirement to complete a professional driving test as part of application criteria for private hire and hackney carriage drivers' licences.

b) Instruct a third party to undertake disclosure and barring certificates and update service checks on behalf of new and renewal applicants for private hire and hackney carriage drivers licences.

c) Consider allowing applicants to complete the BTEC qualification (or equivalent) within the first year of licensing, removal of qualification requirements in whole or part or maintain current standards.

4.2 Members are asked to consider the risks highlighted in **Appendix 2** and discuss the merits of amending application criteria and the impact that may present to public safety.

5.0 Conclusion

5.1 It was highlighted at a recent taxi working group that driver numbers are significantly lower than in previous years, with members of the licensed trade calling upon elected members to consider a review of application standards in a bid to increase driver numbers, ease the administrative burden and time taken to obtain a driver's licence with Lancaster City Council.

5.2 It is important that application requirements are reviewed regularly, and standards updated. Any amendments made will not guarantee an influx of new drivers. The shortfall in new driver numbers was highlighted in the Licensing workplan 2023/24 as a priority, alongside this review, education, and information available to potential new drivers is required through Council communications, including website information with links to external partners highlighting the assistance available.

Additionally, in a bid to increase driver numbers, the licensed trade must also promote the profession and assist potential applicants with the application process. Including accessible IT assistance and information readily available on how to apply.

5.3 In April 2021 members of Licensing Committee adopted the private hire and hackney carriage licensing policy, the policy brought together existing policies and procedures into one encompassing document, to be used as a reference tool for staff, elected members, and service users. Any departure from the current application criteria must be assessed against the aims of the policy, protecting public safety in its widest context.

CONCLUSION OF IMPACT ASSESSMENT

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

When considering an individual's suitability to hold a licence, the protection of the public is paramount, any decision to amend the current application standards must be assessed against the risk to public safety.

LEGAL IMPLICATIONS

The application process for private hire and hackney carriage drivers requires several tests be satisfied **before** the Council can consider an individual "fit and proper" to be a licensed driver.

Members may wish to discuss the merits and potential for legal challenges of requiring assessment of individuals being fit and proper post licensing.

FINANCIAL IMPLICATIONS

There are no financial implications, The cost of the administration and issuing of a drivers licence is based on full cost recovery, therefore any change to the current process would need to be reflected in next year's licensing fees.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None identified

SECTION 151 OFFICER'S COMMENTS

None.

MONITORING OFFICER'S COMMENTS

None.

BACKGROUND PAPERS

None

Contact Officer: Jennifer Curtis

Telephone: 01524 582732

Email: jcurtis@lancaster.gov.uk

Ref: Sept2023

Private Hire and Hackney Carriage Licensing Policy





Foreword

A considerable amount of effort has gone into the production of this document, so I start this introduction by offering my thanks to the Licensing Manager and the Licensing Team, members of the local taxi trade who contributed, stakeholders and councillors for all their work.

On 21 July 2020 the Department for Transport published “Statutory Taxi and Private Hire Vehicle Standards”. The Standards are applied to local authorities having regard to the Policing and Crime Act 2017 which enables the Secretary of State for Transport to issue statutory guidance to local authorities as to how taxi (hackney carriage) and private hire licensing should be undertaken.

The standards recommend that local authorities provide a “taxi licensing policy” a single point of reference which includes all information relevant to private hire and taxi licensing. Whilst Lancaster City Council had several taxi licensing policies and procedures these were not contained in a single document.

This Private Hire and Hackney Carriage Licensing Policy document addresses that issue because it combines many existing policies and procedures much of the content of this document will be familiar.

One new aspect is that the Policy recognises the Council’s aspiration that the district becomes carbon neutral as its response to the Climate Emergency. The district’s taxis will play a role to achieve this by transitioning to low and then to zero carbon vehicles. Also, the availability of accessible vehicles will be enhanced by additional Hackney licence plates being made available to accessible/zero carbon vehicles.

Lancaster City Council’s Private Hire and Hackney Carriage Licensing Policy should be seen as a ‘living’ document. It will be amended and updated as legislation and other requirements deem it necessary.

As part of a continued updating of the Policy to ensure it remains fit for purpose the on-going dialogue with the local taxi trade and stakeholders will continue. The meetings between the trade, officers and councillors are essential to a shared understanding of issues affecting the trade. It is hoped that all parties will continue to work together to ensure that a taxi service that the district can be proud of is maintained - under the overarching requirement that the policy protects the safety of the public.

Cllr Colin Hartley

Chair of the Licensing Committee

Lancaster City Council

September 2021

Contents

1. **Background**
2. **Introduction**
3. **Administrative and Operational Arrangements**
4. **Drivers**
5. **Licensed Vehicles**
6. **Private Hire Operators**
7. **Compliance and Enforcement**
8. **Appendices**
 - Appendix A – Guidelines on the relevance of Convictions, Cautions, and Conduct
 - Appendix B – Public Information Charter (Hackney Carriage and Private Hire)
 - Appendix C – Annual Report Template
 - Appendix D – Right to Work Check (documents permitted)
 - Appendix E – Private Hire Driver Licence Conditions
 - Appendix F – Hackney Carriage Byelaws
 - Appendix G – Hackney Carriage Driver Code of Conduct
 - Appendix H – Hackney Carriage and Private Hire Drivers Dress Code
 - Appendix I – Private Hire Vehicle Specification
 - Appendix J – Hackney Carriage Specification
 - Appendix K – Vehicle Inspection Template
 - Appendix L – Private Hire Vehicle Conditions
 - Appendix M – Hackney Carriage Conditions
 - Appendix O – Designated Hackney Carriage Stands
 - Appendix P – Private Hire Operator Conditions
 - Appendix Q – Table of Offences



1. Background

1.1 Aspirations of Policy

This policy details the procedures and standards applied by the Council in carrying out its hackney carriage and private hire licensing functions. The policy provides the Council's interpretation of the legal standards facilitated by legislation, statutory standards, good practice and the practical procedures that are in place to implement the licensing requirements. The policy will be published by the Council and all applicants and licence holders will be made aware of the policy when making an application. The Policy will be made freely available on the Council's website.

Licence holders are expected to be familiar with the policy, the standards expected of them as a licence holder and the potential consequences of failure to comply with the Policy and or relevant legislation.

2. Introduction

2.1 Status of the Policy

In carrying out its licensing functions, the Council will have regard to this policy, the legislation and relevant guidance. Each licence application and review of licence will be considered on its own merit, and whilst regard will be had to the policy, the Councils discretion will not be fettered and where appropriate it may depart from the Policy providing reasons for doing so.

2.2 How will the Policy be utilised and by who?

The Policy will be used by officers and Councillors to provide a framework against which decisions are made in respect to licensing matters. It will be used to determine whether applications are valid, and if so, assist in determining whether those applications should be granted or refused and whether existing licences should be reviewed. It will also be used in conjunction with other relevant policies to determine whether any and if so what form of enforcement/ compliance action should be taken against licence holders and none licence holders

The Policy provides detailed guidance to licence applicants and holders as to the standards expected by the Council and the likely consequences of failing to meet and or comply with those standards whether as an applicant or as an existing licence holder.

The Policy provides the public with an overview of the standards they should expect from the licensed hackney carriage and private hire trade and provides information and guidance as to how any complaints/ concerns should be dealt with.

2.3 Aims

This policy seeks to ensure that the following aims are at the forefront of considerations in development and implementation of licensing procedures and standards. There is no overall priority in terms of the list below, however the primary and overriding objective is to protect the public.

- A. Public safety in its widest context
- B. A professional hackney carriage /private hire service
- C. Driver and staff safety
- D. The requirement for vehicles that are safe, comfortable, accessible and will reduce air pollution levels
- E. A hackney carriage /private hire service that meets the needs of the local community
- F. The embracement of technology to support all the above



2.4 How will the aims of the policy be implemented?

The aims of this policy have been identified in the paragraph above. This section provides information as to how the Council expects to deliver on the aims of the Policy.

A. Public Safety in its widest context

- Criminality checks undertaken and reviewed at appropriate times
- Motoring offences checks undertaken and reviewed at appropriate times
- Medical checks and notifications
- Commitment to multi agency working, partnerships and effective data sharing protocols
- Efficient complaints mechanisms in place to ensure appropriate effective action is taken promptly
- Effective enforcement including action by private hire operators where licence holders fail to meet standards
- Public awareness campaigns / information to ensure public are aware of the standards to expect and what to do if these are not achieved
- Effective and appropriate licensed standards/ conditions in place to enhance and protect passengers and the licensed driver
- Vehicle livery for means of identification of types of licensed vehicles

B. Professional Hackney Carriage / Private Hire Service

- Licence holders will have been appropriately trained
- Licence holders will have been equipped with the necessary knowledge / skills
- Licensing conditions and a code of conduct will be in place to ensure licence holders are aware of the behavioural standards expected
- A dress code will be in place to support a professional appearance amongst licence holders
- Safeguarding embedded within the roles of licence holders
- A commitment to work in partnership with the Council, police and other key agencies
- Effective complaints procedures documented and implemented within the Council and licensed trade
- Effective licence conditions attached to the grant of licences
- Documented records to support public safety

C. Driver and Staff Safety

- Driver code of conduct to detail standards expected of a licensed driver
- Public Information Charter to detail standards expected of passengers including reasonable grounds for refusal to carry
- Crime prevention measures, where to sit in a vehicle, cash handling, security screens, self-defence tactics
- Formal Training in place before a drivers' licence is granted
- Operators' responsibilities

D. The Requirement for Vehicles that are Safe, Comfortable, Accessible and will reduce Air Pollution Levels

- Specifications/ standards of licensed vehicles
- Vehicle testing
- Enforcement including suspension and revocation of vehicle licences
- Vehicle availability
- Incentives for cleaner vehicles (pollutants)
- Type of vehicles including accessibility
- Rank locations and facilities
- Hackney carriage numbers

E. A Hackney Carriage / Private Hire Service that meets the needs of the local community

- Availability of drivers/vehicles
- Suitability of drivers/vehicles
- Drivers having the necessary skills to undertake role to required standard
- Dress code
- Code of conduct to detail standards to be expected of drivers / passengers
- Supports the Councils Climate Emergency resolution

F. The Embracement of Technology to support all the above

- Cleaner vehicles
- Use of technology to enhance safety in the booking systems
- Further development of online licensing processes

3. Administrative and Operational Arrangements

3.1 Council Constitution, Decision Making and Scheme of Delegation

The Local Government Act 2000 provides a framework for decision making in Councils, the Act outlines which functions/ responsibilities can be carried out by which groups/ individuals within the Council. The Act requires the Council to have its own Constitution. The Council's Constitution is devised by the Council and is its own rule book in respect of:

- How the Council's responsibilities have been allocated,
- The procedural framework for undertaking the functions and decision making within the Council
- The codes and protocols that elected members (councillors) and officers i.e. employees of the Council are expected to follow.

The scheme of delegation is contained within the Constitution and details what roles and responsibilities have been given to who. For example, specific responsibilities are delegated to the Council, the Executive of the Council, various Committees and Senior Officers i.e. employees of the Council.

In terms of Hackney carriage and private hire licensing the majority of functions can be delegated to a committee, a sub-committee or an officer, the individual delegations are all listed in the Constitution. Details of the specific delegations are not listed in this policy as the constitution is an ever-evolving live document subject to regular updates and changes due to frequent changes in legislation.

A copy of the Council's current constitution is available on the Council's website.

3.2 Authorisation of officers

Where the Council's constitution delegates a role to an officer, the officer can then authorise other officers to carry out that role/ function on his or her behalf. Authorisations are only given to persons who have the appropriate competences to undertake the roles they have been authorised to do.

Licensing officers are individually authorised by the Director of Communities and the Environment to carry out responsibilities under named legislation. These authorisations are usually in written format and are available from officers upon request. In certain circumstances usually emergency situations officers may be given a verbal authorisation from the relevant senior officer.

The Department for Transport's Statutory Guidance advocates that the Council should consider authorising officers from other authorities and vice versa so that compliance and enforcement action can be taken against licensees from outside individual licensing authority areas. This has not been actioned at this stage, the City Council does not appear to have a significant problem with influx of vehicles/ drivers from neighbouring authority areas but will be considered as part of the ongoing local authority reorganisation considerations.

3.3 Training/ Competency of Officers/ Members

Officers

Officers will only be authorised to conduct licensing duties when the officer delegated to carry out those duties is satisfied that the licensing officer has received relevant training and is competent to carry out the role.

All licensing officers will keep an individual documented record of their training which will be countersigned by the relevant line manager.

Training will be undertaken by a variety of methods including in-house training by experienced competent officers, distance self-learning, formal training seminars and professional qualifications where appropriate.

Any Officer who has responsibility for determining licence applications will attend the Licensing Committee training and will keep a documented record of training carried out.

Members

The Council's Head of Democratic Services is responsible for ensuring that Councillors involved in decision making in relation to licensing matters have received the relevant training. This includes all members of the Licensing Committee and the Cabinet member with responsibility for Sustainable Neighbourhoods. A record of all training relevant to licensing will be maintained.

Licensing Committee members will have received training in the following areas before being allowed to take part in decision making

- Licensing procedures
- Rules of natural justice
- Safeguarding
- Disability awareness
- Decision making
- Data protection

3.4 Guidelines on Relevance of Convictions and Other Conduct

The Council has specific guidelines in place on the relevance of convictions, and other conduct. A copy of the guidelines can be found at **Appendix A**. The guidelines will be reviewed as part of any overall review of this policy but may also be reviewed independent of the overall policy if deemed necessary. The Guidelines apply to applicants for, and existing licence holders of private hire operators, vehicle proprietors and drivers' licences and have been updated as part of this policy. Within the Guidelines it clearly states 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 City Council. In addition, any reference to conviction will also include matters that amount to criminal behaviour but which have not resulted in a conviction, as will complaints where there was no police involvement.

The specific time periods detailed in the guidelines on the relevance of convictions and other matters should be regarded as a minimum time period that an applicant is expected to be free from conviction, caution, etc.

3.5 Duration of Licences

Legislation details the time periods for which licences can be granted. In general terms these are as follows:

- Driver licences 3 years
- Private Hire Operator Licences 5 years
- Vehicle licences maximum licence period 1 year

Licences can be issued for a shorter duration where the City Council thinks it appropriate due to the specific circumstances of the application, examples include where a licensee requests a shorter licence, or where a licence holder leave to remain in the UK is time limited.

Licences will not be issued for a shorter time based on a probationary period, a licence holder is either fit and proper/suitable to hold a licence or not.

3.6 Licence Fees

The City Council is responsible for setting fees associated with carrying out the hackney carriage and private hire licensing function. The fees are set in accordance with the legislative requirements, primarily detailed in the Local Government (Miscellaneous Provisions) Act 1976.

There is a growing number of legal cases which seek to clarify which costs are recoverable in respect of which licences. In setting its fees the City Council will have regard to relevant case law and the requirements of relevant legislation.

The City Council will consult on changes to licensing fees including driver licence fees where there is no statutory requirement to do so.

The City Council aims to review licence fees on an annual basis, with the intention that the licensing service is self-financing but not income generating. If at the end of the financial year there is a budget surplus, the surplus will be carried forward and built into the following years budget process. Similarly, if there is a budget deficit that will normally be taken forward into the following years budget process with the intention of achieving a cost neutral budget.

The responsibility for setting of licence fees is delegated to Licensing Committee details of the delegation can be found in the constitution.

The appropriate fee must be paid when the licence application is submitted. It is acknowledged that the licence fee in respect of an application for the grant of a private hire operator, hackney carriage/ private hire driver, hackney carriage/ private hire vehicle licence is payable for the grant of the licence, therefore in the event of these types of licences being refused a refund can be requested of the appropriate fee (minus any disbursements).

No refunds will be given once a licence has been granted.

The current licence fees are available on the Councils website.

3.7 Guidance/ Information for Passengers

The City Council recognises the importance of the public understanding how to identify licensed vehicles/ drivers and the increased risks associated with the unlicensed trade.

Information will be published by the Council and will be required to be displayed in licensed private hire operator premises/ vehicles regarding standards expected from the licensed trade and from customers. A copy of the proposed information to be displayed in licensed vehicles is attached at **Appendix B**.

Also contained within **Appendix B** is a general guidance for passengers on how to stay safe when using hackney carriage and private hire services.

When making a booking with private hire operator's customers are advised to make the operator aware of any special requirements e.g. a wheelchair accessible vehicle, large amounts of luggage, swivel seats, requests for child car seats etc, this is aimed to assist both passengers and the licensed trade.

3.8 Whistle Blowing Policy

The Councils raising concerns policy often referred to as whistleblowing is in place to encourage employees and others who have serious concerns about any aspect of the Councils work to come forward and voice those concerns.

The law requires the Council to protect employees, councillors and contractors who raise a concern within the Council regarding

- Possible corruption or malpractice taking place
- The law or Councils rules being broken
- The health and safety of any person being endangered
- Damage to the environment taking place

The Council has a documented raising concerns policy which can be accessed via the council website at [Fraud and corruption - Lancaster City Council](#). The policy includes all information relevant to raising concerns regarding malpractice within the Council associated with any of the 4 areas documented within this section of the policy (3.8).

3.9 Safeguarding

In recent years the national media has reported on numerous towns and cities where local licensing authorities' policies and practices have failed to protect the safety of passengers travelling in licensed vehicles, whether that be in relation to child sexual exploitation, inappropriate treatment of customers and drug/ people trafficking.

Less media attention has been given to physical attacks and abuse suffered by licensed drivers. The taxi trade press regularly details such incidents, which often result in serious injury to licensed drivers.

Safeguarding is at the heart of this hackney carriage and private hire licensing policy. Procedures and practices including licencing conditions and enforcement reflect the importance of safeguarding and will seek to promote the welfare of children, vulnerable people, passengers in general and licensed drivers.

Safeguarding is everyone's responsibility, any licence holder who receives any information or has concerns regarding a safeguarding matter is expected to notify the licencing team. This would include concerns about:

- a licence holders conduct
- the conduct of a passenger towards another person,
- the conduct of a carer / assistant towards another person
- the conduct of an employee or other person involved in the private hire operator business (including a volunteer)
- Any other relevant safeguarding matter

The failure to notify such matters could result in an individual's own licences being reviewed.

Private hire operator licence conditions have been strengthened to require operators to review complaints and to develop and implement their own safeguarding policies.

3.10 Application Processes – Detailed in Relevant Sections

The application processes in respect of the various licence types are detailed in the drivers, vehicles and operators' sections of this policy.

In general terms all documentation submitted in support of licence applications must be original documents that can be verified. Scanned copies may be sent electronically but will only be accepted on the basis that the document is clearly legible once viewed on Council systems. The Council reserves the right to refuse to accept electronic service of documents where information is unclear or where there may be reason to suspect impropriety. Each document served electronically should include a statement from the sender to the effect that "I certify that this is an identical copy of original documentation. No changes have been made from the original document" (name assigned).

3.11 Changes/Review of Policy

This policy will be reviewed at a minimum frequency of every 5 years but where appropriate it may be reviewed more frequently. The review may be a complete or partial review dependent upon circumstances.

3.12 Consultations

Future consultations on updates and amendments to this policy will be undertaken having regard to Government guidance on how consultation should be carried out. In 2000 the Government published its Code of Practice on consultation, the latest version of this is version 3 published in 2008 by the Department for Business, Enterprise and Regulatory Reform. More recently in 2018 the Cabinet office published the Government Consultation principles.

3.13 Reporting on Licensing Authority Performance

Licensing Officers will provide an annual report to the Licensing Committee outlining the number of private hire/ hackney carriage related applications received, the determination of those applications, and highlighting the number of applications where the decisions were made not in accordance with the Councils policy.

The report will also provide details of the number of complaints received in respect of drivers/ vehicles and operators and an overview of the nature of complaints and how the complaints were dealt with.

The annual report will also include an overview of any legal cases and appeals. **Appendix C** details the information that will be collated in the report.

3.14 Right to Work Checks

All applicants for driver, vehicle and private hire operator licences are required to demonstrate that they have the right to live and work in the United Kingdom. The City Council follow general advice given by the UK Border Agency, available at; [Entering and staying in the UK - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

A licence will not be granted to an applicant who is not entitled to work in the UK.

It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to all applicants.

The UK Border Agency maintains a list of documents that can evidence such an entitlement, which is reproduced in **Appendix D**. Documents in List A of **Appendix D** demonstrate that the person has an on-going entitlement to work in the UK; documents in List B of **Appendix D** indicate that the person has restrictions on their entitlement to be in the UK. Copies of documents produced will be retained.

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.

Where an applicant's entitlement to work (or to remain in the UK) is time-limited, the City Council will not grant a licence that is beyond the date of 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.

4. Drivers

4.1 The “Fit and Proper Test”

Legislation requires that private hire and hackney carriage drivers are “fit and proper” but does not provide a definition as to what constitutes fit and proper.

The DFT Statutory Standards (2020) suggests that the following question may be helpful in the consideration of fit and proper **“without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night”**

The Council is not fettered in its discretion as to what can be taken into consideration regarding the “fit and proper test”, but routinely considers a person’s conduct, (this extends beyond criminal and motoring convictions), their driving skills, knowledge and awareness of issues relevant to the role of a licensed driver and medical suitability.

4.2 Application Process, New, Renewal and Fast Track

4.2.1. New Driver Applicants

The application process for private hire and hackney carriage drivers requires a number of tests be satisfied before the Council can consider an individual “fit and proper” to be a licensed driver (private hire or hackney carriage). In terms of new applicants, they are required to provide:

- Evidence of right to work (as detailed in section 3.14 and **Appendix D**)
- Fully completed application form
- 2 recent passport size photos
- Satisfactory DVLA Group 2 medical (completed within 1 month by a medical practitioner who has had sight of the applicant’s medical summary - see section 4.5 for further details)
- A full current DVLA driving licence held for a minimum period of 12 months and a time limited DVLA check code
- An appropriate practical driving certification from an approved training provider (see section 4.6 for further details)
- An enhanced DBS certificate for the role of taxi driver and other workforce together with DBS update service details (see section 4.4 for further details)
- An overseas check – certificate on good conduct (required for persons who have spent time away from the UK – see section 4.4.1)
- A BTEC level 2 / City and Guilds level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver issued by Lancaster and Morecambe College – incorporating the Lancaster City Council taxi drivers knowledge test (see section 4.7 for further details)
- The Licence fee

The step by step process to the application is detailed on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#)

An application for a driver’s licence (hackney carriage or private hire) will only be accepted when all the above documents are provided.

Any person with criminal convictions, cautions, motoring convictions or other conduct matters are strongly advised to familiarise themselves with the Councils Guidelines on relevance of convictions and other conduct before deciding whether to commence the application process, the cost of obtaining all the above documentation and qualifications is significant and in the event of an applicant having convictions that fall within the guidelines detailed in **Appendix A** the application is unlikely to be successful, although each application is considered on its own merit.

As above if an applicant cannot meet the standards required by the DVLA group 2 medical he/she is unlikely to be granted a hackney carriage/private hire drivers’ licence.

4.2.2 Driver Renewal Applications

The following are required in respect of driver renewal applications:

- Completed Application Form
- DVLA Driving Licence Photo Card
- DVLA Check Code
- Satisfactory DVLA Group 2 medical if applicable (completed within 1 month by a medical practitioner who has had sight of the applicant’s medical summary)
- DBS Update Service Details
- The Licence Fee
- Right to Work Documents

4.2.3 Fast Track Driver Licence Applications

The fast-track driver application process was originally introduced to facilitate a quicker application process for drivers who had previously been licensed but who may have chosen to take a short break from the trade, the primary reason for this being the COVID-19 pandemic. However, the fast-track driver application may also be available to drivers whose licences have been revoked but due to a change in circumstances wish to reapply for a licence*.

*This would normally be where information comes to light after a revocation which may infer that the revocation would not have been made had the new information been available at the time.

A fast-track licence application largely replicates a renewal driver licence application, all checks are conducted as per a renewal application, with the exception that there is no need for a person to re-sit training if this training has previously been satisfactorily completed as part of a previous licence.

4.3 Dual Driver Licences

Applicants can apply for either a hackney carriage/ private hire or dual drivers' licence. The standards that are applied to hackney carriage and private hire drivers' licences are identical in terms of what is required to meet the "fit and proper test". A hackney carriage or private hire driver who holds either type of licence can make an application for a dual licence during the duration of a current drivers' licence. Subject to there being no change in convictions, medical or other conduct matter and payment of the appropriate fee the dual licence will be granted to the date of the expiry of the original licence issued.

4.4 Driver Criminality checks

4.4.1. On Initial Application

DBS

As part of the driver licence new application process an applicant will be required to complete an enhanced Disclosure and Barring Service (DBS) check. The disclosure application will be countersigned by licensing officers and the Job role will be identified as other workforce taxi driver. This ensures that the disclosure will include a check of the "barred lists" as well as spent and unspent convictions.

In addition, all new applicants and existing licensed drivers are required to sign up and maintain subscription to the DBS update service. This can be done at any time from the date of submission of the disclosure application up to and including 30 days from the date when the disclosure certificate is issued.

The Council will not normally accept an enhanced DBS certificate from another registered body. An exception to this may be when the enhanced certificate relates to the role of a taxi driver and other workforce and the update service can be utilised to ascertain that there has been no change since the date of issue of the enhanced certificate.

Overseas Checks- Certificate of Good Character

Where an applicant has spent 3 continuous months or more outside of the UK then the Council will request evidence of a criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Character. The Council will require any Certificate of Good Character that the applicant may have regardless of the age of the document.

4.4.2 Ongoing Criminality Monitors for Licensed Drivers

The paragraph above details the enhanced DBS disclosures required in respect of applicants of private hire and hackney carriage driver licences. The enhanced disclosure certificate will then be considered against the Councils Guidelines on convictions and the information together with all other relevant information e.g. medical certificates, training any other relevant information from the applicant and other agencies will be taken into account when the application is determined.

If a private hire/ hackney carriage driver's licence is granted the Council will at 6 monthly intervals conduct an online check utilising the DBS update service to see if there has been any change in status to the DBS disclosure.

If a change in DBS status is disclosed, the licence holder will be contacted, and the matter discussed further. A new enhanced DBS disclosure will be required, and a decision made as to whether any further action is required in respect of the drivers licence at that time.

Where the Council is made aware of a hackney carriage/private hire drivers' failure to maintain subscription to the DBS update service it will result in the suspension/revocation of the licence.

The private hire drivers licence conditions and the hackney carriage drivers code of conduct require a licensed driver notifies the Council of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter within 48 hours. The receipt of any such information may result in further enquiries with relevant agencies e.g. police, and action may or may not be taken against the drivers licence.

Any information received from relevant partner agencies including the police or other local authorities regarding criminal or unacceptable conduct will also be considered during the duration of the licence and in future applications.

Criminality, motoring convictions, medical fitness and general conduct are seen as fundamental to the "Fit and proper" test that must be satisfied before a person is licensed to drive hackney carriage or private hire vehicle and maintained during the course of the licence period.

4.5 Driver Medicals

As part of the Council's assessment of the "fit and proper test", licensed drivers are required to be medically fit for the role they are carrying out. Medical fitness is assessed by the Driver and Vehicle Licensing Agency (DVLA) medical standards of fitness to drive for Group 2 licences. The medical certificate requires the medical practitioner to state whether, in their opinion, the applicant/licence holder complies with the standards and is medically fit to drive hackney carriages or private hire vehicles.

A summary of the Group 2 standards can be viewed via: [MIS828_interactive_020321_Final.pdf](#) (publishing.service.gov.uk)

The D4 medical form should be downloaded from the DVLA website at [Medical examination report for a lorry or bus driving licence \(D4\) - GOV.UK](#) (www.gov.uk).

In order to ensure that the Council are informed of any significant changes to a driver's health, which could impact on his / her driving standards, there is a condition attached to the grant of a private hire driver's licence and stated on the hackney carriage driver code of conduct that licensed drivers must notify the Council of changes in health.

The frequency of medical examinations is aligned with Group 2 standards, whereby upon initial application a medical examination on the specified D4 form is required, then every 3 years the driver must complete a self-declaration until the age of 45.

When a driver turns 45, a further D4 medical is required and the driver must complete a self-declaration every 3 years, until the age of 65 when an annual D4 medical is required.

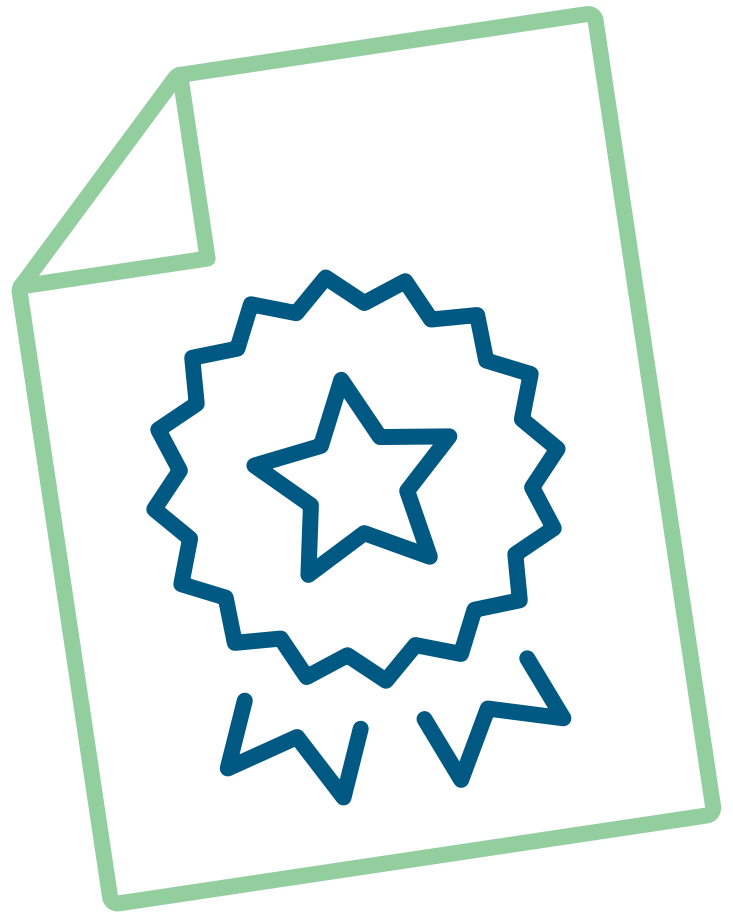
Any licensed driver who fails to produce a satisfactory medical at the appropriate time will be subject to suspension of the licence until the necessary medical certificate is produced.

Similarly, where the Council have any concern regarding a licensed driver's medical status, they will conduct a formal review of the driver's licence to assess whether that person remains "fit and proper" to hold a driver's licence, the sanctions in respect of such a review are detailed in Chapter 7 of this policy.

Where the medical practitioner has stipulated that they do not consider the applicant/licensed driver 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, and in the case of a licensed driver either suspend or revoke the driver's licence dependent upon the details contained within the medical certification.

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.

The cost of the Medical Examination is not included within the licensing fees and is paid directly to the Medical Practice/GP Surgery.



4.6 Practical Driving Assessment Requirements

For licensed drivers to meet the "fit and proper" test the Council require an applicant to satisfactorily complete a practical driving skills assessment with an approved training provider. Details of training providers are detailed on the council's website at: [Taxi and private hire - Lancaster City Council](#)

Whilst it is recognised that all driver applicants are required to hold the relevant DVLA driving licence, this is not necessarily a measure of a person's current driving skills. The satisfactory completion of a practical driving assessment is required as evidence that an applicant has good practical driving skills, this is seen as a key requirement for both driver and passenger and public safety.

4.7 Driver Training Requirements

For licensed drivers to meet the “fit and proper test” The Council regard it essential for drivers (hackney carriage and private hire) to have knowledge awareness and skills in the following subjects.

Prior to submitting an application for a private hire or hackney carriage drivers licence potential applicants are required to attend Lancaster and Morecambe college to take an English and a Maths assessment where they need to achieve Level 2 to be able to progress to the next stage.

Following the English and Maths assessment successful candidates (i.e. those who have reached the level 2 standard) are required to sit Lancaster driver knowledge test, this assesses a candidates knowledge of the routes, localities and points of interest within the City area and beyond and it also assesses a candidate knowledge of licensing laws and local licensing conditions. It is considered that this knowledge requirement is an essential part of the “fit and proper test” that licensed drivers are required to meet. Licensed drivers must be able to effectively communicate with their passengers and other members of the public, they must have good topographical knowledge of the area in which they intend to driver i.e. Lancaster City Council area, and they must also have good knowledge of the rules they will be required to follow whilst working as a licensed driver in the city.

Once a candidate has passed the basic skills (Maths and English) and the Lancaster knowledge test they are required to complete the City and Guilds [Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver](#).

Once again this is provided by Lancaster and Morecambe College, the course is a 4-day programme. There are 9 units covered over the 4-days:

1. Health and Safety in the taxi and private hire work environments
2. Road safety when driving passengers in a taxi or private hire vehicle
3. Professional customer service in the taxi and private hire industry
4. Taxi and private hire vehicle maintenance and safety inspections
5. The regulatory framework of the taxi and private hire industry
6. Taxi and private hire services for passengers who require assistance*
7. Routes and fares in the taxi and private hire vehicle industries
8. Transporting of parcels, luggage and other items in the taxi and private hire industries
9. Transporting of children and young persons by taxi and private hire vehicle

All the above exams are assessed on-line exams undertaken in the classroom and the candidates have to get over 70% to pass each unit.

*Unit 6 has the practical assessment which candidates need to successfully pass also.

An applicant for a hackney carriage/ private hire drivers' licence will need to provide the necessary documentation/ certification to show that they have successfully completed the above training, this will form part of the driver application referred to in section 4.2 above.

If an applicant is considered as fit and proper to hold a hackney carriage/ private hire drivers' licence, it may become necessary for them to complete additional training whilst they are a licensed driver. A condition is imposed on a private hire drivers' licence and stipulated in the hackney carriage driver code of conduct that they may be required to complete additional training during the course of their licence.

The cost of any training is not included in the licence fee and is payable by the applicant/ licence holder.

4.8 Private Hire Driver Licence Conditions

Legislation allows the Council to attach “reasonably necessary” conditions to the grant of a private hire driver's licence.

The Council has a set of standard licence conditions that are attached to the grant of private hire driver licences attached at **Appendix E**.

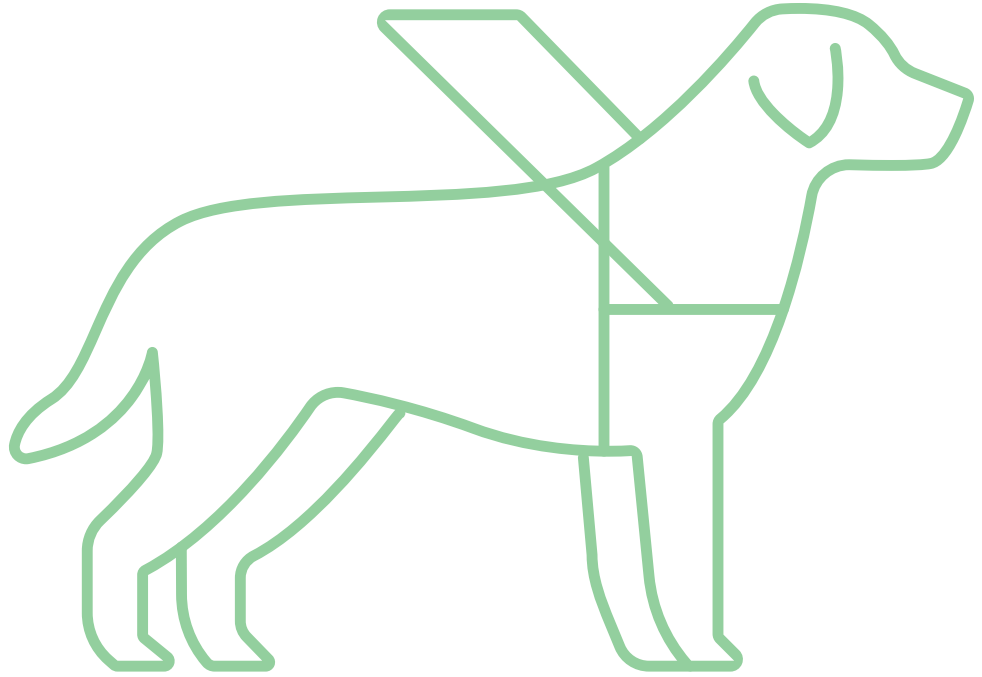
The Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

Where the holder of a private hire driver's licence considers that any licence condition is not reasonably necessary, then the licence holder has a right of appeal against the licence condition being imposed. More information on appeals is available in Chapter 7 of this policy.

4.9 Hackney Carriage Byelaws

Lancaster City Council byelaws in respect of hackney carriages were approved in March 2014 and came into effect on 23 April 2014. A copy of the Byelaws can be found at **Appendix F**.

The byelaws apply to hackney carriage drivers and hackney carriage vehicle licence holders. It is an offence to fail to comply with the byelaws, Details of the maximum penalties for failure to comply with bye laws is deal with under the enforcement part of this policy details of the bye law offences are detailed in **Appendix Q**.



4.10 Driver Code of Conduct

A licensed hackney carriage/private hire driver is expected to remain fit and proper to hold a licence during the duration of their licence. As already highlighted, there is no legal definition as to what constitutes “fit and proper”, but in general terms they are expected to remain medically fit, maintain the standards detailed in the convictions policy and conduct themselves appropriately.

In order to assist licensed hackney carriage drivers, a code of conduct has been developed so that drivers have an awareness of the standards expected whilst they are working as a hackney carriage driver. A copy of the hackney carriage driver code of conduct is attached at **Appendix G**.

The standards detailed within the code of conduct are replicated as appropriate in the private hire driver licence conditions, this ensures that both types of licensed drivers are aware of the standards they are expected to adopt.

Failure to comply with the code of conduct could result in the review of a hackney carriage driver’s licence as the City Council considers whether that person remains fit and proper to hold a hackney carriage drivers licence.

Where a driver is dual licensed failure to comply with either the hackney carriage drivers code of conduct or the conditions attached to the grant of a private hire drivers licence will result in considerations relevant to both licence types.

4.11 Dress Code

There is no requirement for corporate branding or a uniform to be worn by licensed drivers (there is a uniform requirement associated with executive hire) however the City Council consider it important that licensed drivers wear clean, appropriate clothing and maintain a good standard of personal hygiene whilst working as a licensed driver. A requirement to comply with the dress code is included within the private hire drivers licence conditions and the hackney carriage driver code of conduct. A copy of the dress code is attached at **Appendix H**.

4.12 Carriage of Assistance Dogs

It is a legal requirement that drivers of hackney carriage and private hire vehicles permit assistance dogs to be carried in the licensed vehicle without any extra charge. Assistance dogs are highly trained and will normally sit in the footwell of the vehicle immediately adjacent to their owner. The failure of a licensed driver to carry a passenger (pre-booked passenger in the case of private hire) because the passenger is accompanied by an assistance dog is an offence.

If a licensed driver has an allergy to dogs then the licensed driver must obtain a certificate from their medical practitioner, a copy of which should be provided to the licensing team. Consideration will then be given to granting a certificate of exemption based on medical grounds.

The Council will regard the failure to carry an assistance dog as a serious matter, all drivers are made aware of this requirement during their driver training. Where sufficient evidence of the offence exists, the council will prosecute the driver and review the drivers licence.

4.13 Surrender of Driver’s Licences

The City Council will not accept the surrender of hackney carriage or private hire drivers’ licences. The surrender of such licences negates the notification of any criminal conduct matters and also allows an individual to correctly state that a licence has not been revoked or suspended.

5. Licensed Vehicles

5.1 Suitability of Licence Holder

As with driver and operator licensing requirements, the objective of vehicle licensing is to protect public safety. The legislation does not include a “fit and proper” test for holders of vehicle licences but does require that vehicles are safe.

Safety is taken in its widest interpretation and goes beyond the mechanical safety and comfort of the actual vehicle.

The City Council will only issue vehicle licences to persons it considers safe and suitable to hold such licences, as such they will have regard to the conduct of the licence holder, not only does this include criminal or motoring offences but also includes the licence holder’s ability to satisfy the City Council that he/ she can ensure that the vehicle will be properly maintained in good condition at all times. The failure of a licence holder to properly maintain the vehicle in a suitable condition will result in the suspension of the vehicle licence and impact on future licence applications. Similarly, the failure of a vehicle licence holder to comply with the conditions attached to the grant of the licence or insurance requirements will be a relevant consideration in future applications.



5.2 Application Process, New Renewal, Vehicle Transfer, Change of Vehicle

5.2.1 New Vehicle Licence Application

In the first instance any person wishing to apply for a new private hire vehicle licence should ensure that the vehicle meets the council’s vehicle specification. Section 5.4 below and **Appendix I** provide details regarding private hire vehicle specification.

Any person wishing to apply for a hackney carriage vehicle licence should familiarise themselves with the current policy in relation to the allocation of such licences.

An application for a new vehicle licence shall include the following:

- A completed application form.
- A current certificate of insurance/cover note
- V5 logbook/ green slip (if recently brought, details completed)
- Bill of sale – if owned for less than 12 months
- Meter calibration certificate if the vehicle is fitted with a taxi meter
- Right to work documents in respect of the applicant
- Relevant fee – current fees are available on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#)
- Basic DBS Certificate (only in circumstances where a named person is not a current licensed driver subject to an enhanced DBS and update service)

5.2.2. Renewal Vehicle Licence Application

A completed renewal application must be received prior to the expiry of the vehicle licence, failure to do so will mean that the vehicle cannot be used for licensed purposes once the previous licence has expired. A completed renewal application will include the following documents:

- A completed application form
- A current certificate of insurance/cover note
- Meter calibration certificate if the vehicle is fitted with a taxi meter
- Right to work documents if the licence holder has only limited leave to remain in the UK or has a spousal visa as the right to work in the UK
- Relevant fee – current fees are available on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#)
- Basic DBS Certificate (if required)

5.2.3. Notification of Transfer of Vehicle Licence

A proprietor of a hackney carriage/ private hire vehicle licence has a legal obligation to notify the City Council licensing team that he/she has transferred their interest in the licensed vehicle to another person, unless that person is already named on the licence. The notification must be in writing and must detail the name and address of the person to whom the vehicle has been transferred. The notification must be made within 14 days of the transfer taking place. A vehicle transfer notification form is available on the Councils website at [Taxi and Private Hire Licence Forms - Lancaster City Council](#).

A vehicle licence holder who fails to comply with this requirement without reasonable excuse is guilty of an offence. It is important that the Council maintains an accurate and up to date record of vehicle licence holders, the failure to comply with this legal requirement will be regarded as a serious matter and likely subject to formal action.

5.2.4 Application to Change a Vehicle on a Vehicle Licence

The legislation is silent in relation to any legal framework for the change of a vehicle licence to a substitute vehicle.

However due to the Council currently having a limit on hackney carriage numbers it is essential that such a mechanism is in place to allow for replacement vehicles following accidental damage and vehicles to be replaced with more modern, cleaner suitable vehicles. As such applications can be made in respect of the change of a hackney carriage vehicle.

For parity the same mechanism will be available to private hire vehicle licence holders who want to change the vehicle part way through the licence term. The following will be required in terms of any application to change a vehicle on an existing licence:

- Completed Application Form
- Current Certificate of Insurance/Cover Note
- V5 logbook/ green slip (if recently brought, details completed)
- Bill of sale – if owned for less than 12 months
- Meter calibration certificate
- Relevant fee
- Previous plates and door livery to be returned

5.3 Criminality Checks for Vehicle Proprietors

Where an applicant for a hackney carriage or private hire vehicle (proprietors) licence is not the holder of a Lancaster City Council hackney carriage / private hire drivers' licence, or a private hire operator's licence they will be subject to a Basic DBS disclosure and required to complete a statutory declaration.

Where an applicant for a vehicle licence is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraph above.

Overseas Checks - Certificate of Good Character

Where an applicant has spent 3 continuous months or more outside of the UK then the Council will request evidence of a

criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Character. The Council will require any Certificate of Good Character that the applicant may have regardless of the age of the document.

Where a vehicle proprietor is already licensed by Lancaster City Council as a hackney carriage/private hire driver no further criminality check will be required as that person has already met the criminality element of the licensed drivers "fit and proper" test.

5.4 Vehicle Specifications/ Standards

The legislation requires hackney carriages to be of such design, appearance or have distinguishing marks so that they are clearly identifiable as a hackney carriage.

For private hire vehicles the legislation requires that the vehicle is suitable in type, size, and design, not of such a design that a person could believe it's a hackney carriage, be in suitable mechanical condition, safe, comfortable and that the vehicle is suitably insured.

Any person who wishes to licence a vehicle as a private hire vehicle will be expected to provide a vehicle that complies with the specifications at **Appendix I**.

Any person who wishes to licence a hackney carriage vehicle should in the first instance familiarise themselves with the current policy in respect to any limits in place regarding the number of licences to be issued. **Appendix J** details the specifications for hackney carriage vehicles.

5.5 Emissions Standards

At a meeting of Full Council on 30 January 2019 the City Council declared a climate emergency and made various commitments including to work towards activities being net zero carbon by 2030.

With effect from January 2030 the Council will only issue a new hackney carriage and private hire vehicle licence in respect of vehicles that are zero emission. Any application to put a replacement vehicle on an existing vehicle licence from this date will also have to be zero emission.

With effect from January 2025 the Council will only issue a new vehicle licence in respect of petrol / hybrid vehicles, diesel vehicles which are Euro 6 compliant or zero emission vehicles. Any application to put a replacement vehicle on an existing vehicle licence from this date will also have to comply with the petrol/ hybrid, diesel Euro 6 compliant or zero emission standard.

It is recognised that this is a significant change to previous policy and hence the prolonged lead in time.

The aspiration of the Council is that licence holders seek to licence cleaner vehicles earlier than the dates above but have allowed the longer lead in period in recognition of the financial issues arising from the pandemic.

5.6 Vehicle Testing, Inspection and Maintenance

It is the responsibility of an applicant to ensure that any vehicle to which an application relates meets the vehicle specification. In the circumstances where a vehicle does not meet the vehicle specification and an application is still submitted the application will be referred to the Licensing Manager / Licensing Committee for consideration. Although each case will be considered on its merit, the vehicle specification is in place to reflect the standards required, the exceptional condition policy detailed in para 5.8 outlines the circumstances where exceptions may be made.

Vehicle testing will be undertaken at frequencies depending upon the age of the vehicle

For vehicles less than 2 years old from the date of first registration to the date of licence application being received will be required to be tested annually.

For vehicles between 2 years old but less than 10 years old from the date of registration to the date the licence application is received will be required to be tested at 6 monthly intervals.

For vehicles over 10 years of age from the date of registration to the date the licence application is received will be tested at 4 monthly intervals.

Vehicle licences are currently issued for the same period as the frequency of testing, i.e. 4 months, 6 months or annually dependent upon the age of the vehicle. The Intention is that the Council move to an annual vehicle licensing system, even though the frequency of testing will remain as current. A move to annual licensing will reduce the administrative burden on applicants but public safety standards will be preserved by the frequency of vehicle testing remaining unchanged.

Inspections and Maintenance

Conditions attached to the relevant licences require that daily inspections are undertaken on vehicles to ensure that the vehicles are safe and roadworthy. Furthermore, Licence conditions require that on a monthly basis a more detailed inspection is undertaken, and the findings recorded in writing.

The daily and monthly inspections will go a long way towards ensuring that the vehicle is maintained in a safe and roadworthy condition and will assist in complying with the requirement for the vehicle to be maintained in such a condition that it is capable of passing the "taxi test" at any time.

Vehicles will be subject to ad hoc on the spot inspections by authorised licensing officers. The daily inspection checks will ensure that officers find little or no problems with vehicles (accepting that an isolated bulb can blow at any time or that a tyre may succumb to picking up a nail etc) where evidence exists of failure to carry out daily vehicle inspections this will give cause to review whether the driver/ vehicle proprietor should be subject to enforcement action, principally a review of the licence.

An example of an inspection sheet that can be used by licenced drivers / vehicle licence holders is attached at **Appendix K**.

5.7 Exceptional Condition Policy

Exceptional conditions policies are well established within local authorities who impose an age limit policy in respect of licensed vehicles. There is no age limit policy in place at the City Council, but an emissions policy will be introduced in line with the dates listed above in section 5.5.

Where a vehicle fails to meet the emission standard required by the policy but can demonstrate that the particular vehicle has unique design features which adds value as a licensed vehicle and whereby an equivalent vehicle is not available on the market with the required emission standard, consideration will be given to licensing any such vehicle as an "exception". Any such application would be referred to the Licensing Committee/ Sub Committee (as delegated by the constitution in place at that time) for determination and would be expected to be in exceptional condition.

5.8 Vehicle Licence Conditions

Legislation allows the City Council to attach "reasonably necessary" conditions to the grant of a hackney carriage or private hire vehicle licence.

The City Council has a set of standard licence conditions that are attached to the grant of private hire vehicle licences see **Appendix L** and hackney carriage vehicle licences see **Appendix M**.

The City Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

Where the holder of a vehicle licence considers that any licence condition is not reasonably necessary, then the licence holder has a right of appeal against the licence condition being imposed. More information on appeals is available in section 7 of this policy.

5.9 Signage

No markings of any nature, other than standard manufacturer's markings, or Council approved signs are permitted except in accordance with the criteria set out in **Appendix N**.

Authorised Officers may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive and failure to do so may result in the vehicle being suspended.

The display of no smoking signage is a legal requirement for a licensed hackney carriage or private hire vehicle. No smoking signage shall face inwards and outwards and must not be displayed in a manner that obscures the driver's visibility.

The Councils approved tariff card should be visible inside licensed hackney carriages and private hire vehicles (that utilise a metre) displaying the table of fares for passengers.

Licence plates and door-signage should be positioned in accordance with requirements set out in **Appendix N** and as described in the relevant vehicle licence conditions.

5.10 Executive Hire

The Local Government (Miscellaneous Provisions) Act 1976 S75 provides an exemption for licensed private hire vehicles from displaying plates, and signage. The Council will consider requests for this exemption from private hire vehicles used exclusively for the purposes of executive hire. There is no legal definition of "executive hire" but the Council will general consider the following when determining any requests for exemptions from displaying plates/ signage:

- The majority of the work should be for businesses which maintain an account with the private hire operator
- The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card payments. No payments are to be made to the driver in the vehicle
- The type of vehicle to which the application relates should reflect the executive hire status, i.e. a high value luxury vehicle
- The driver of an executive hire vehicle should wear a uniform befitting of the executive status
- The vehicle cannot be used for any standard private hire work

If an exemption notice is granted it would apply to the duration of the licence. Failure to comply with the requirements above or the conditions attached to the grant of the private hire licence will result in the exemption being withdrawn and or the licence being revoked.

5.11 Licensing of Stretched Limousines

Nationally, over recent years there has been some interest in licensing stretch limousines as private hire vehicles.

The Council considers that such vehicles do not undertake standard private hire work and any request to licence a stretch limousine as a private hire vehicle would fall under the consideration of executive hire and would expect to comply with the requirements detailed in section 5.10.

The Council will only consider applications from vehicles which have been examined and granted Individual Vehicle Approval (IVA) certification by the Driver and Vehicle Standards Agency (DVSA). In addition, vehicles will be subject to further taxi test and inspection. Special arrangements will be in place regarding vehicle testing as the size of some vehicles prohibit them being tested at the Council Vehicle Maintenance Unit (VMU). Vehicles over 4.5 meters long weighing over 5.2 tons and being anything other than class 4 or 7 cannot be tested at VMU and will be referred to DVSA for testing at DVSA test stations.

The Council will only consider applications in respect of a vehicle with 8 or less passenger seats and will not consider void/ blocked off seating areas. The majority of "American type" stretch limousine vehicles have more than 8 passenger seats and would therefore not be considered suitable for licensing under the private hire/ executive hire regime. The Council have concerns that if a vehicle was to be licensed for 8 passengers but have seating for a greater number there is potential for misuse.

5.12 Licensing of Tuk-Tuks/Pedicabs

Tuk-tuks are three-wheeled motorised versions of traditional rickshaws. They are usually powered by a motorcycle engine, have handlebars rather than a steering wheel and are commonly used as a method of transport in countries such as India, Thailand and Pakistan.

Pedicabs are small three wheeled vehicles with a seat, pedals, and handlebars for the operator and usually a hooded cab for passengers.

Tuk-tuks and Pedicabs do not currently meet the vehicle specifications for Private Hire or Hackney Carriage vehicles, therefore any request for licensing such vehicles will be determined by Licensing Committee on a case-by-case basis.

5.13 Accident notifications

The Local Government (Miscellaneous Provisions) Act 1976 S50 (3) requires proprietors of hackney carriage and private hire vehicle licences to report as soon as is practical and in any case within 72 hours any accident involving their hackney carriage/ private hire vehicle which has caused damage that may materially affect the safety, performance or appearance of the licensed vehicle or the comfort or convenience of persons in the vehicle.

To assist proprietors to comply with this requirement the Council provides an accident report form on the taxi licensing pages of the Councils website [Taxi and Private Hire Licence Forms - Lancaster City Council](#)

The provision of false or misleading information on an accident report form will be regarded as very serious.

Failure to comply with this requirement without "reasonable excuse" is an offence for which vehicle licence holder may be prosecuted and action taken against the licence.

In addition to the above provision the Council is keen to be made aware of all road traffic accidents involving licensed drivers. The Council will impose a condition on private hire drivers licences and highlight in the hackney carriage drivers code of conduct that drivers should report all road traffic accidents in which they are involved to the Licensing team so that any trends of poor driving standards can promptly be identified.

5.14 CCTV

CCTV in licensed vehicles is not a mandatory requirement.

The use of CCTV can provide a safer environment for the benefit of hackney carriage / private hire passengers and drivers by:

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

CCTV in licensed vehicles may provide safeguarding measures for both passengers and drivers. To achieve this, it is important that any CCTV systems are compliant with legal standards and provide a quality of recording that provides a good standard of evidence.

A decision was taken to keep the mandatory requirement for CCTV in licensed vehicles under review.

5.15 Dual plating/ working for more than 1 operator / vehicle licensed in more than 1 area

If a vehicle is currently licensed with another authority the City Council will not consider it for licensing by the City Council. Vehicle licence plates and signage are required to be displayed throughout the duration of the licence; the identity of the licensed vehicle becomes confused by being licensed in more than one local authority area. A licence condition will be attached to the grant of vehicle holders licences to prevent them from obtaining a vehicle holders licence on that vehicle during the duration of the Lancaster City Council licence.

A condition will be attached to the grant of private hire vehicle licences preventing them from working for more than 1 private hire operator at any time. Private hire vehicles are required to display company door signs to enable customers to recognise their booked vehicles. This is a safety feature which is undermined by the use of multi company door signs or the absence of any door signs.

5.16 Livery of vehicles

Current practice is that the differential between hackney carriage and private hire vehicle is by means of roof signs being present on hackney carriages and differences in door signage. In addition, a standardised Roof-sign for Hackney Carriages has been introduced. Details of which are highlighted in **Appendix N**.

With effect from April 2022 all new and renewal hackney carriage vehicles will be required to utilise a roof sign provided by Lancaster City Council of a standard design and print.

5.17 Child seats in licensed vehicles

It is not always possible for the right child seat or booster to be available in a licensed vehicle (hackney carriage or private hire). In the case of private hire bookings, the hirer is advised to clarify at the time of making the booking whether suitable child seats will be available in the vehicle and if not will be expected to make their own provision regarding child car seats.

The Highway Code, road safety and vehicles rules allow children to travel in hackney carriages or private hire vehicles without using a suitable car seat but the following restrictions apply.

- 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.
- 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 vehicles with fixed partitions).
- Rear-facing baby seats **MUST NOT** be used in a seat protected by a frontal air bag unless the airbag has been deactivated manually or automatically.
- Drivers are expected to comply with the Highway Code requirements and where passengers refuse to comply with seat belt requirements this is a legitimate reason for the driver to refuse to carry the passenger.

5.18 Insurance requirements

The City Council requires appropriate vehicle insurance documents prior to granting (new or renewal) a hackney carriage/ private hire vehicle (proprietors) licence. The City Council will require a valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specify the use as either public hire (hackney carriage) or private hire vehicle insurance.

Hackney carriage vehicle insurance documentation will need to state that the insurance covers public hire and hire and reward.

Private hire vehicle insurance documents will need to state that the insurance covers hire and reward.

If a valid cover note is provided rather than an insurance certificate the insurance certificate should be provided to the Council at the earliest opportunity, failure to do so may result in the suspension/ revocation of the vehicle proprietor's licence.

Photocopies of insurance documents are not accepted. Original documents should be provided if an application is made in paper format. Scanned copies of original documentation are acceptable on the basis that the documents are clearly legible on the Councils IT systems and a declaration must accompany the scanned document to declare that no alteration has been made to the original documentation.

The Local Government (Miscellaneous Provisions) Act 1976 S50 allows for authorised officers of the Council to require a vehicle licence holder to produce insurance documents on request. Such requests may be made on site or in writing. Officers will normally give a period of several days for the documents to be produced, but any documents produced must cover the period requested by the officer.

Failure to comply with such a request without a reasonable excuse is an offence for which a vehicle licence holder may be prosecuted. In addition, action will be taken to immediately suspend/ revoke the vehicle licence.

As an added public safety measure the Council will impose as a standard licence condition on all vehicle licenced that a valid certificate of insurance remains in place at all times that the vehicle is licenced. This provides added protection through the duration of the licence.

5.19 Hackney carriage and private hire fares

Hackney carriage fares

Local Authorities can choose to set hackney carriage fares. Lancaster City Council like most other local authorities do this using the provisions of the Local Government Miscellaneous Provisions) Act 1976. The Act details the process which must be followed in terms of consultations and changes to hackney carriage fares. Hackney carriage fares include all charges associated with the hire of the vehicle for example flag fall, (initial start-up fare), rate per distance travelled, soiling charges, waiting charges etc. The fares are published in a table of fares displayed in the hackney carriage vehicle. The table of fares also indicates the different tariffs applicable for, day/ night, some holiday periods.

It should be noted that the table of hackney fares set by the Council are maximum fares that can be charged for local journeys.

For journeys that begin or end outside of the City Council boundaries a fare can be agreed in advance of the journey (this may be higher than the table of fares due to the likelihood of the vehicle having to undertake a return journey without any passengers – commonly known as avoid), if no fare has been agreed in advance then the fare shown on the taximeter must be charged.

Following a review of hackney carriage fares the council issues a hackney carriage tariff card to each proprietor; the tariff card is only issued once the Council has received a calibration certificate from an approved supplier advising that the vehicles taxi meter has been calibrated to the new tariff and the meter has then been subsequently sealed. Each tariff card includes the Councils logo, and the specific licence number of the hackney carriage vehicle.

Hackney Carriage fares will be reviewed on an annual basis via the Council approved method. The method currently utilised by Lancaster City Council and widely used by other Licensing Authorities is to annually apply Retail Price Index (RPI).

Note: The Council acknowledges that whilst the capital costs of the business increase with the purchase of more expensive cleaner vehicles, the running costs associated with such vehicles are likely to be less, these changes will need to be reflected in the hackney carriage tariff at the appropriate time.

Private hire fares and charges

Private hire fares and charges are not set by the Council, but by the private hire operators who take the bookings and dispatch the private hire vehicles/drivers. Each private hire operator has their own tariff which may be different or identical to the hackney carriage tariff.

A condition has been introduced on private hire operator licences to require them to produce and provide a private hire tariff card to each private hire driver in respect of each private hire vehicle they operate and similarly require that each private hire driver ensures that the relevant tariff card is displayed in the vehicle.

Where a hackney carriage vehicle/driver fulfils a private hire booking he cannot charge more than the metered fare unless the out of area provisions referred to above apply.

5.20 Surrender of vehicle licences

Chapter 7 of this policy on compliance and enforcement provides general information on revocation and suspension of the various types of licences.

There may be circumstances where a vehicle licence owner wishes to surrender the vehicle licence for example a change in health status of the licensed driver. The vehicle licence can be surrendered to the Council this requires return of

- Paper licence
- Vehicle licence plates
- Vehicle signage/ Council door stickers
- For Hackney carriages the tariff card.

Once a vehicle licence has been surrendered it cannot be returned other than via a new application process, the reason for this is that whilst the vehicle is unlicensed there is no requirement to comply with licence conditions such as notification of accidents etc. It is therefore essential that following any period of not being a licensed vehicle a vehicle will need to be subject to a vehicle test.

For the purposes of clarity a licensed vehicle which is accident damaged and therefore the licence subjected to a temporary change of vehicle is not regarded as a surrender of the licence, this scenario would be regarded as a change of vehicle

There is no facility for a partial refund on a licence fee. The legislation is clear that the licence fee is charged for the grant of a licence.

5.21 Installation of protective screen in licensed vehicles

In May 2020 the Council considered its position regarding the installation of protective screens in licensed vehicles. The Council adopted a position statement regarding the use of screens and this can be found at [Taxi and private hire - Lancaster City Council](#)

The Government has since published guidance on use of screens in licensed vehicles, the position statement has been assessed against the guidance. Lancaster City Councils position is broadly compliant with Government guidance.

5.22 Issues specific to Hackney Carriage Vehicle Licencing

5.22.1 Replacement vehicles following accident damage

As above in section 5.12 if a hackney carriage vehicle is involved in an accident, the licence holder must report the accident to the Licensing Authority and an accident form completed within 72 hours of the accident occurring. If a licence holder wishes to utilise a replacement hackney carriage vehicle these will have the original licence number changed to the replacement vehicle. When the original vehicle has been repaired and tested an application will be required to transfer the licence back to the original vehicle. Any change of vehicle on a licence in respect of a mandatory wheelchair accessible vehicle can only be changed to another wheelchair accessible vehicle that meets the requirements of this policy.

It is recognised that many replacement vehicles are now provided by accident management companies, it is a contractual matter between the holder of the vehicle licence and the provider of the replacement vehicle as to how the ownership of the licence is secured.

5.22.2 HCV policy on limiting/ delimiting no's

The Transport Act 1985 S16 provides the key legal provision in respect of numbers of hackney carriages to be licensed. A local authority has a choice of whether to limit the number of hackney carriage vehicle licences issued or not, however this is a qualified choice and a local authority can only choose to limit the number of hackney carriage proprietors licences if the local authority is satisfied that there is no significant unmet demand for hackney carriages.

The Department for Transport's Best Practice Guidance 2010 para 45-51 deals with the matter of numbers of hackney carriage vehicle licences (also known as proprietor licences), the Guidance generally questions the benefits of limiting the numbers of licences issued and details that where such limits are imposed regular surveys should be undertaken to assess whether significant unmet demand does exist.

Lancaster City Council currently limits the number of hackney carriage proprietors' licences at 108. Regular unmet demand surveys have identified no significant unmet demand for hackney carriages.

It was identified during the consultation period that there is a wish for greater availability and accessibility for wheelchair accessible licensed vehicles. The Council has considered whether it is appropriate to licence additional specialist vehicles to provide for the needs of people travelling in wheelchairs.

From implementation of the taxi policy two Hackney carriage proprietor licence applications will be accepted. Vehicles intending to be licensed as a Hackney Carriage must meet the 2030 vehicle specification in terms of being zero emission as well as being fully wheelchair accessible. Further applications meeting the criteria above and beyond the two approved will be considered by Licensing Committee.

Whilst there has been much case law published on the matter of numbers of hackney carriage licence issues, there does not appear to be any legislative provision including case law that

prevents the allocation of additional hackney carriage proprietor licences even when no significant unmet demand has been identified, the test that the council must satisfy is that any such decision must not be "Wednesbury unreasonable". The term Wednesbury unreasonable comes from a case law which defines Wednesbury unreasonable as being so unreasonable or irrational that no reasonable person acting reasonably could have made it.

5.22.3 Hackney carriage vehicles special requirements

The hackney carriage vehicle specification at **Appendix J** details the requirements in respect of all hackney carriage vehicles. There is a historic requirement that any additional vehicle licences granted i.e. new licences as opposed to transfer of licences the vehicles must be wheelchair accessible.

5.22.4 Hackney Carriage byelaws

This paragraph repeats the information detailed at section 4.9 of the policy this is repeated because the byelaws apply to both hackney carriage drivers and the holders of hackney carriage vehicle licences.

Lancaster City Council byelaws in respect of taxis were approved in March 2014 and came into effect on 23 April 2014. A copy of the Byelaws can be found at **Appendix F**.

It is an offence to fail to comply with the byelaws, Details of the maximum penalties for failure to comply with byelaws is dealt with under the enforcement part of this policy details of the byelaw offences are detailed in **Appendix Q**.

5.22.5 Hackney Carriage ranks

There are two separate legal provisions which allow for the creation of "hackney carriage ranks/stands" commonly referred to as taxi ranks.

Hackney carriage stands were originally created by the Town Police Clauses Act 1847, now replaced by Local Government (Miscellaneous Provisions) Act 1976. Where a hackney carriage stand has been designated by this legislation, authorised local authority officers, namely licensing officers can undertake enforcement action in respect of the provisions of section 64 of the 1976 Act, i.e. prohibition of other vehicles on a hackney carriage stand- accepting the defence of reasonable excuse.

In recent years, many local authorities including the City Council have utilised traffic regulation orders (TROs) to create hackney carriage ranks, which imposes parking restrictions applied in such a way that they only permit hackney carriages to utilise the facility. The advantage of a TRO rank is that it can be enforced by civil enforcement officers who can issue fixed penalty notices.

Where taxi ranks have been designated using the TRO process, licensing officers do not have authority to issue fixed penalty notices nor can they take action against private vehicles parking on the "rank" or for a hackney carriage driver leaving his / her vehicle unattended on a "rank". However, licensing officers can consider this as a conduct issue as part of the requirement for a licensed driver to be "fit and proper".

Appendix O provides details of the "taxi ranks" in the City area and the type of legislation used to provide the "rank".

6. Private Hire Operators



6.1 The “Fit and Proper” test

Legislation requires that private hire operators are “Fit and proper” but does not provide a definition as to what constitutes fit and proper. However, the Institute of Licensing suggest the following

“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?”

The Councils Guidelines on the relevance of convictions and other conduct at **Appendix A** outlines the matters that will be considered together with relevant conduct issues that will be considered when determining whether a person is “fit and proper” but again does not provide a definitive definition of the term.

There is no medical assessment required as part of private hire operator fit and proper considerations.

Relevant financial conduct and previous business status may be a relevant consideration.

6.2 Private Hire Operator application process new and renewal

6.2.1 Application for a new private hire operator licence

An applicant for a new private hire operator’s licence is required to provide:

- A fully completed application form
- A copy of the proposed private hire fare card
- A copy of proposed company door signage
- A copy of Public & Employers Liability insurance
- OFCOM Licence (if you use radio systems)

A basic DBS certificate for each person named on the application (if a partnership or limited company it is for each partner/director) (existing licensed drivers are exempt from this requirement as they already hold an enhanced DBS)

The Relevant licence fee (please see Council website at [Taxi and Private Hire Licence Forms - Lancaster City Council for current fee table](#))

Right to work documents for each applicant (please see section 3.14 and **Appendix D** for further details)

6.2.2. Application to renew a private hire operator’s licence

A completed renewal application must be received prior to the expiry of the operator’s licence, failure to do so will mean that the private hire operator must cease trading upon expiry of the previous licence. A completed renewal application will include the following documents.

- Copy of current private hire fare card
- Copy of Current Public & Employers Liability insurance certificate
- Basic DBS certificate for each person named on the application (if a partnership or limited company it is for each partner/ director) (existing licensed drivers are exempt from this requirement as they already hold an enhanced DBS)
- Relevant fee (please see Council website at [Taxi and Private Hire Licence Forms - Lancaster City Council for current fee table](#))

If any of the applicants have limited leave to remain in the UK or have right to remain via a spousal visa a copy of the current right to work documents must be provided (please see section 3.14 and **Appendix D** for further details).

Copy of written policies as required by the conditions attached to the grant of a private hire operator licence, e.g. data protection policy, equalities policy, customer services and complaints policy, complaints record and safeguarding policy should also be provided as part of the renewal licence application.

6.3 Criminality checks for private hire operators

Where an applicant for a Private Hire Operators Licence is not the holder of a Lancaster City Council hackney carriage / private hire drivers' licence, they will be subject to a Basic DBS disclosure and required to complete a statutory declaration.

Once a private hire operator licence has been issued then an operator will be required to provide the Licensing authority with an annual DBS basic disclosure, this requirement will be enforced via a condition placed upon the grant of the private hire operator licence.

Where the applicant / private hire operator is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure described in the paragraphs above.

Overseas checks- Certificate of good character

Where an applicant has spent 3 continuous months or more outside of the UK, the Council will request evidence of a criminal record check from the country or countries where the applicant has spent at least 3 months. If criminal record checks are not available in individual countries, then a certificate of good character will be required from the relevant embassy. Only approved translations will be considered, and the cost of approved translations will be the applicant's responsibility.

Asylum seekers who hold a Home Office issued application registration document together with a positive verification letter from the Home Office's Employer Checking Service stating that the named individual is permitted to work in the UK will be exempt from the requirement to submit a recent Certificate of Good Character. The Council will require any Certificate of Good Character that the applicant may have regardless of the age of the document.

The above requirement will not be enforced in respect of any operator who currently holds a Lancaster hackney carriage/ private hire drivers' licence. The reason for this is that all Lancaster hackney carriage/ private hire drivers are subject to 6 monthly DBS checks via the DBS update service, these are undertaken at an enhanced level.

6.4 Record keeping and documentation

The Local Government (Miscellaneous Provisions) Act 1976 section 56 requires private hire operators keep details of private hire bookings. It is for City Council to determine exactly what details should be recorded and how long these should be kept for. Licence conditions attached to the grant of Private Hire operator licences, detail the booking records requirements.

More recently it has been recognised how safeguarding measures can assist in the protection of public safety, as such the City Council considers it reasonably necessary for documentation and other records to be kept to enhance public safety measures.

The requirement for such checks, documentation and record keeping will be administered and enforced by licence conditions attached to the grant of the private hire operator licence.

6.5 Private Hire Operator Licencing conditions

Legislation allows the Council to attach "reasonably necessary" conditions to the grant of a private hire operator's licence.

The Council has a set of standard licence conditions that are attached to the grant of private hire operator licences see **Appendix P**.

The Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

Where the holder of a private hire operator licence considers that any licence condition is not reasonably necessary, then the licence holder has a right of appeal against the licence condition being imposed. More information on appeals is available in Chapter 7.

The Council recognises that in some cases private hire operator licences have been granted for periods of 5 years in accordance with Deregulation Act 2015 provisions. Having regard to this a number of private hire operators will not be required to apply for the grant of a private hire operator's licence for several years and therefore any new licence conditions cannot be applied in the short term.

On implementation of this policy, the Licensing team will write to all private hire operators to make them aware of the new private hire operator licence conditions that will be attached to the grant of future licences. In the interests of promoting passenger and driver safety the licensing authority encourages responsible private hire operators to implement the requirements of the new licensing conditions without delay or waiting for the conditions to be imposed on the renewed operator licence.

6.6 Approval of Private Hire Company name

It is important that the name of the private hire operator is easily identifiable to the customer. Operator names which are similar may cause confusion to customers, and as such operator names similar to names already in use will not be granted.

With effect from the implementation date of this policy, no new private hire operator will be allowed to use the word taxi in the company name or any other marketing material. It is acknowledged that licensed private hire operators who currently use the word taxi in their company name will be allowed to continue to do so, however this exemption does not apply to company door signage as detailed below.

Where a private hire operator licence has been revoked, the name (or similar) of that private hire operator associated with the revoked licence cannot be used by another operator until 5 years have elapsed since the date of revocation or in the event of any appeals 5 years from the conclusion of the appeal process. The reason for this is to prevent any perception of association.



6.7 Approval Private hire vehicle door signage

As part of the initial application private hire operators will be required to provide a copy of their proposed door signage to be used on private hire vehicles dispatched by the operator. The door signage is required to be of a size 490mm x 305mm, and livered as landscape. The top 2/3 of the door sign can display the company details but is not permitted to display the word taxi/ cab or any other wording that a customer may consider the private hire vehicle to be a hackney carriage. The bottom third of the door sign has to be a solid-coloured background in yellow Pantone and display the following wording in black font, Arial, size 114 (Capped Height 40mm) **"Pre-booked Fares Only"**.

Any hackney carriage vehicle dispatched by a private hire operator has the option to display private hire operator signage on the rear passenger door, the format of the signage should be the same as for private hire with the exceptions that the bottom third of the door sign can display the word "Taxi" instead of the prebooking wording associated with private hire.

6.7 Planning permission requirements

As part of an application for the grant of a new private hire operator licence. A private hire operator will need to provide written proof of planning permission in relation to the operator premises or written proof from the Councils planning officers that planning permission is not required. This information will then be checked with the Councils planning officers to ensure that the information is current and valid. A private hire operator's licence would not normally be issued in a way that it would conflict with planning restrictions/ permissions.

6.8 Location of private hire operator

Lancaster City Council will only licence Operator's offices that are within the City Council's local authority area.

7. Compliance and Enforcement

7.1 Enforcement policy/ Regulators code / statutory framework

7.1.1 Enforcement Policy

The Licensing service administers a wide range of licences and permits which may be mandatory, where the local authority must license particular activities, or adoptive where the Council has elected to control certain businesses, activities or individuals through the issue of licences and the imposition of licence conditions.

The main purpose of licensing enforcement is to:

- Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- Deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.

The Licensing Enforcement Policy is available to view on the Council's website. The purpose of the document is to set out the general principles that the Council's Licensing Service will apply when undertaking licensing enforcement work.



7.1.2 Regulators code

The Regulators code came into effect in April 2014 published by the Better Regulation Delivery Office based within the Government's Dept for Business Innovation and Skills.

The code details 6 principles that regulators including the City Council must have regard to when undertaking their duties, including developing policies and procedures that provide guidance on regulatory activity.

The 6 principles within the code are as follows

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

The development of this policy and the information, standards and guidance contained within has been drafted having regard to those principles whilst also having regard to information within the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards which states at para 3.2.

“When formulating a taxi and private hire vehicle policy the primary and overriding objective must be to protect the public”

7.1.3. Statutory Framework

The main legislative requirements dealing with specific hackney carriage and private hire licensing standards can be found in the following legislation:

- Local Government (Miscellaneous Provisions) Act 1976
- Town and Police Clauses Act 1847 and 1889
- Deregulation Act 2015
- Transport Act 1985 & 2000

Other legislation provides a general framework of standards which cover many areas of life but impact on hackney carriage and private hire licensing examples include:

- Health Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Rehabilitation of Offenders Act 1974

7.2 Complaints about hackney carriage and private hire

The Council investigate complaints relating to the conduct of a licence holder and none licence holder (for example allegations of unlicensed drivers). It is standard practice for officers to request complaints are received in writing (email will suffice), this ensures that officers know the exact details of the complaint.

It is acknowledged that in certain circumstances complainants may not be able to provide details of the complaint in writing, this does not mean the complaint will not be regarded as valid, and in the case of vulnerable people officers may offer to meet them at a convenient location to take full details of the complaint.

Where the complaint relates to a serious public safety matter this will be treated as an urgent matter and forwarded to a competent officer for immediate investigation.

Similarly requests for information from partner agencies including the police and other authorities will be dealt with as a priority having regard to relevant data protection requirements.

Complainants are asked to provide their contact details so that they can be given relevant information following the investigation of a complaint.

Anonymous complaints will generally not be treated as seriously as other complaints. It is recognised that complaints can be malicious, however it is also recognised that complainants can be genuinely frightened and vulnerable. Anonymous complaints in respect of serious public safety allegations will be thoroughly investigated. Anonymous complaints about less serious matters such as minor overcharging, inconsiderate parking, use of a radio in a vehicle etc are likely to be dealt with by noting the allegation.

The City Council does not have a target resolution time for complaints, this is in recognition of the wide variety of investigations that may be necessary. However, the City Council does have a target response time of confirming receipt of a complaint and providing a contact officers details to the complainant within 5 days of receipt of the complaint.

Complaints will be recorded on the City Councils data base and will be subject to trends analysis on an ongoing basis in respect of individual licence holders and as part of performance monitoring reporting in terms of general analysis of complaint types.

There are a wide variety of actions that can arise from the investigation of complaints this include:

- No action
- Verbal advice given
- Written advice/ warning issued
- Suspension/ revocation of licences
- Simple cautions
- Prosecutions
- Formal review of a licence which could result in any of the above

Where there are a number of complaints against a licence holder this is likely to compound concerns regarding the licence holder's suitability to maintain the licence.

As part of the inspection of private hire operator premises, authorised officers will inspect the complaints record log to identify and pattern of complaints and action accordingly.

Where appropriate information concerning the investigation and outcome of investigation of complaints may be shared with other agencies including the police and the National Refusals register of taxi drivers (NR3).

7.3 Complaints about the Licensing service

Anyone who wishes to complain about the service they have received from the Licensing service can do so as part of the City Councils formal complaints procedure. This is detailed on the Councils website at www.lancaster.gov.uk/information/complaints-comments-and-questions.

Alternatively you can contact customer services by telephoning 01524 582000 or email complaints@lancaster.gov.uk

7.4 Service Requests

This is a request for information as opposed to receipt of a complaint. Service requests can be received from applicants, licence holders, partner agencies, councillors, or any other individual / organisation. Where the information requested is available on the Councils website, the enquirer will be directed to the webpage.

The most efficient way to make a service request is by emailing licensing@lancaster.gov.uk. This email address is monitored throughout the working day, and whilst you may not receive an immediate response, emails are promptly forwarded to the appropriate officer.

Administrative charges may be levied for some service requests.

7.5 Refusal to grant a licence

The legislative framework for refusal of drivers, vehicles and operators' licences is contained within the Local Government (Miscellaneous Provisions) Act 1976. Applicants will always be informed in writing of the reasons why an application has been refused and their right of appeal against the decision.

Where an applicant is refused a licence, he/she does have a right of appeal, generally this is to the Magistrates Court, the only exception being the refusal to grant a hackney carriage vehicle licence is an appeal direct to Crown Court.

The City Council will keep a record of all licence applications refused and the reasons for the refusal, this information will be shared if requested in accordance with relevant data protection requirements.

7.6 Suspension/ revocation of licences

The Local Government (Miscellaneous Provisions) Act 1976 provides provisions for suspending and revoking driver, vehicle and operator licences where it is appropriate to do so.

The difference between the suspension and revocation of a licence is that in general terms a suspension of a licence is for a finite period for example;

- suspend a driver's licence until a satisfactory medical certificate has been produced
- suspend a driver's licence until a particular training course has been completed
- suspend a vehicle licence until a satisfactory certificate of insurance has been produced etc

A revocation however is a total loss of a licence, once revoked a licence cannot be reinstated, other than via an appeal process. A person can make a new application for a licence.

Case law has defined that suspension /revocation cannot be a two-stage process, if action is required to take away a licence it must be a suspension or a revocation of a licence it cannot be one followed by the other (for reference the relevant case law is Cardiff v Singh 2012).

The City Council will keep a record of all suspended and revoked licences and the reasons for the actions taken, this information will be shared if requested in accordance with relevant data protection requirements.

7.7 Prosecutions licence holders/ none licence holders

Where a licence holder has committed an offence listed in **Appendix Q**, the City Council must make a decision in respect of what action should be taken against the licence holder. The City Council will have regard to the Council's Enforcement policy detailed above, the Regulators code and the Code for Crown Prosecutors.

There are a number of factors that will be taken into consideration before any decision is made. These factors include:

- Is there enough evidence to prosecute?
- Is it in the public interest to prosecute?
- How serious/ potentially serious is the offence?
- Has the person benefitted from the offence?
- Is there any relevant previous history?
- Is the offence likely to be repeated?
- Was the person coerced in any way?
- Has there been any harm caused?
- Is there a potential for impact on the wider community?
- Is prosecution a proportionate response?

There are a limited number of circumstances where prosecutions will be instigated against none licence holders, primarily these will relate to persons working within the licensed trade but without having the relevant licence in place, and include, persons working on expired licences, unlicensed drivers purporting to be licensed drivers etc

7.8 Appeals

The principles of the rules of natural justice, lead to the position that someone has the right to challenge decisions. In terms of hackney and private hire licencing there is a right of appeal to the Magistrates' court against decisions to revoke, refuse, suspension of a licence and against any decisions imposed upon the grant of a licence. Appeals to Magistrates' court must be made within 21 days of receipt of the decision.

In most circumstances once an appeal has been lodged a person may continue to utilise the licence until the appeal process has been finalised or withdrawn, although clearly this does not apply to new applicants.

There are some exceptions to the above

- There is no immediate right of appeal against a Councils decision to immediately suspend a vehicle licence issued under section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The action takes immediate effect, however if the suspension has not been lifted within a 2-month period a right of appeal is then applied
- In relation to a decision to refuse to grant a hackney carriage vehicle licence the appeal is direct to the Crown Court
- A hackney carriage/ private hire drivers licence revoked or suspended with immediate effect on the grounds of public safety, prevents the licence holder from continuing to utilise the licence, even when an appeal has been lodged.
- In most cases there is a further right of appeal from the Magistrates Court to the Crown Court

7.9 Data sharing / partnership working including National Refusals Register.

The City Council will share with other enforcement bodies and relevant agencies including DBS and National Anti-Fraud Network (NAFN) who operate the NR3 national refusal register, information supplied by applicants/ licence holders or acquired in the course of exercising the licensing functions, where it is lawful to do so. Personal information will only be disclosed in accordance with the Data Protection Act 2018 and General Data Protection Regulations. This may include requests from other agencies where this is necessary for the detection or prevention of crime or required by law in connection with legal proceedings. Where applicable, it will be in accordance with the relevant data information sharing protocol.

The Common Law Police disclosure requires that where there is a risk to public protection the police will pass the information to the City Council to allow them to act swiftly to protect the public. Examples of this include informing the City Council of relevant matters at the appropriate time which may include upon a person's arrest, charge or investigation. An information sharing protocol is in place with Lancashire Constabulary



7.10 Referrals to the DBS and the police

Where the City Council make a decision to refuse or revoke a licence as the applicant/ licence holder is thought to present a risk to harm to a child or vulnerable adult, the City Council will refer this decision to the Disclosure and Barring Service in addition to the NR3 register detailed above.

The circumstances that will warrant such a referral are as follows

- Where an applicant/ licence holder has harmed or poses a risk of harm to a child or vulnerable adult
- An applicant/ licence holder has satisfied the harm test *:or
- Received a caution or conviction for a relevant offence
- The applicant/ licence holder being referred is / has or might in the future be working in a regulated activity

If the above conditions are satisfied the DBS may consider it appropriate to add the applicant/ licence holder to the barred list.

* harm test = (a person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult).

Where the City Council make a decision to refuse or revoke a licence on the grounds of public safety, the City Council will inform the police of the decision.



Appendices

Appendix A

Guidelines on the Relevance of Convictions, Cautions, and Conduct

Drivers

When applying 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, with the exception of protected cautions and convictions which are detailed below. Applicants are also required to declare any on-going criminal investigations, prosecutions, or similar legal proceedings of which they are the subject.

Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, therefore convictions which would ordinarily be considered 'spent' must be declared and may be considered in the determination of the application.

The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (2013) Order introduced new categories of 'protected cautions' and 'protected convictions', which mean that after the stated period of time an applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences that would fall within the categories of protected cautions / convictions, as such protected cautions and protected convictions do not need to be disclosed

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.

NB the reference to "listed offence" is as per list detailed in the current Rehabilitation of offenders Act 1974 (Exceptions Order 1975) (2013 and 2020). At the time of drafting this policy this was the 2020 order, the "listed offences" for the purposes of protected cautions and convictions is subject to change and is therefore not detailed in this policy, the "listed offences" should be taken from the Exceptions order 1975 (2013 and 2020).

There have been recent changes to legislation introduced on 28 November 2020 which means that:

Warnings, reprimands, and youth cautions will no longer be automatically disclosed on a DBS certificate.

The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

Upon initial application, all driver 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, (with the exceptions as detailed above) 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.

As well as applying for an enhanced DBS disclosure, a driver applicant is required to sign up and maintain subscription to the to the DBS update service he/she will not be required to obtain a further enhanced DBS disclosure unless a check on the online update service reveals a change in status to the disclosure.

Please note there is a time limit applied by the DBS in respect of sign up to the online system. The limit is 30 days from the date stated on the DBS certificate. Failure to maintain subscription to the online update service may result in the suspension / revocation of a licence.

The Council will undertake 6 monthly online checks on the status of all licensed drivers DBS disclosures/ certificates.

Where a change in status of a disclosure is indicated a licensed driver will be required to submit a further enhanced disclosure, this may be at renewal or during the duration of a current licence.

Vehicle Licence Holders

There is no explicit requirement within legislation for vehicle licence holders (proprietors) to be fit and proper, the City Council has absolute discretion over granting a vehicle licence (hackney and private hire) and will therefore undertake a variety of checks before issuing a vehicle licence. There needs to be public trust and confidence in the standards applied by the City Council as part of this process applicants for vehicle licences will be required to complete a basic disclosure and complete a statutory declaration at each application. The exception to this is there is no such requirement for licensed drivers to undertake such checks in respect of vehicle licences as licensed drivers have already been subject to enhanced DBS disclosures and 6 monthly checks on the online DBS update service.

Vehicle proprietors (both hackney carriage and private hire) have two principal 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

It is recognised that some vehicle licence holders rent or track their vehicle to a licensed driver, in such circumstances the vehicle licence holder must ensure that they have adequate management control systems in place to ensure that the vehicle is properly maintained, they cannot pass all responsibility to the licensed driver.

Vehicle licence holders that fail to maintain their vehicle in a satisfactory condition are likely to give rise to considerations in respect of whether the licence holder is suitable to hold a vehicle licence.

In addition to vehicle maintenance standards, the disclosure of any convictions, cautions, reprimands, investigations etc will be taken into account in determining an application and the relevant considerations are listed in the relevance of convictions, cautions, reprimands and conduct listed below

Where vehicle licence 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. Similarly a single serious conviction which could undermine public safety will be sufficient cause to refuse a vehicle licence application and revoke or suspend an existing vehicle licence holder.

Private Hire Operators

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.

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, private hire operator licence conditions require a new certificate is provided every 12 months. The Council will have regard to the standards applied to licensed drivers with the following exceptions:

Information disclosed on an enhanced DBS (as part of a PH/ HC driver application/ licence) will not be considered in respect of the private hire operator licence unless such information would also be revealed on a basic disclosure i.e., unspent convictions

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. However, in respect of applicants for or holders of a private hire operator's licence regard will also be had to the criteria list in section 5 below and how any conviction or other conduct matter could be considered relevant to the role of private hire operator. Isolated motoring offences may have less relevance to public safety in respect of a private hire operator role, however an applicant for or holder of a private hire operator's licence with a pattern of motoring offences may still give rise to concern as it would demonstrate a general lack of regard for public safety, a consideration which may reflect into other elements of their role as a private hire operator.

The previous business conduct of a private hire operator may also be considered when determining whether a person is fit and proper to be a private hire operator, a person who has been bankrupt, investigated for financial irregularities or other similar conduct will have such conduct considered as part of the fit and proper test. The considerations given to such matters will depend on the factors listed in the relevance of convictions, cautions, and conduct below.

General Policy

As a general rule, the Council will expect applicants (drivers, vehicle, and operators) for licences and licence holders to be free from previous convictions, cautions and be of good conduct. However, a person with convictions or cautions 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.

Particular regard will be had to any failure to accurately complete an application (whether that be new application or renewal) this may give rise to serious concerns regarding an applicant's honesty for example failure to disclose a relevant matter regarding conduct or the previous suspension / revocation of licences will likely result in the refusal to grant a licence. The application forms also make it clear that providing a false statement or omitting information may be a criminal offence.

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 are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

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, or other relevant information has been received, all convictions may be taken into consideration, even if they have been previously considered.

Relevance of Convictions, Cautions, and Conduct

In determining the relevance of a conviction, offences or cautions, relevant to applicants for and holders of driver, vehicle and operator licences consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since the event and the applicant's/ licensees conduct subsequent to that.

In circumstances where previous convictions, cautions or other information relating to criminal matters is disclosed, the Council, 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.

Where the applicant has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction. 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.

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 holder to hold a licence.

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 considered in accordance with the guidelines.

The specific time periods detailed below should be regarded as a minimum period that an applicant is expected to be free from conviction, caution, reprimand etc.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

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

Offences involving violence

Where an applicant/ licensee 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

Where an applicant/ licensee 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

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

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

Where an applicant/ licensee 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

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

Where an applicant/ licensee 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/ licensee will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant/ licensee 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

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction, fixed penalty notice or requirement to attend driver training course, 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 handheld device whilst driving

Where an applicant /licensee 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.

Where an applicant/ licensee 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

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.

A major traffic or vehicle related offence is one which is not covered above and 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

Where an applicant / licensee 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

Where an applicant has a conviction or caution 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.

Appendix B

Hackney Carriage (Taxi)

Public Information Charter

This information is produced by Lancaster City Council who have licensed this vehicle and its driver, the following information is for the benefit of passengers and the driver.

Passengers and drivers should show mutual respect and be polite to each other.

Passengers please:

- Let the driver know of any specific requirements before you commence your journey.
- Make sure you have adequate funds to pay for your journey.
- For the comfort of future passengers do not eat, smoke, or drink inside this vehicle.
- Do not ask the driver to speed or to take unnecessary risks on the road.
- Make sure you do not leave any property in the vehicle.
- Ask the driver if you would like any assistance.
- Ask the driver if you would like a receipt, one should be provided on request.
- Ensure the taxi meter is engaged at the start of the journey and not before.

Passengers if you have concerns about your journey:

- Take note of the vehicle licence number at the top of this information sheet.
- If you feel unsafe tell the driver and use your mobile phone to contact a responsible person.

Complaints

- If you are unhappy about the service provided and your journey was one that was pre-booked via a private hire operator, please contact the private hire operator and provide details of your complaint. The operator will investigate your complaint and advise you of the outcome.
- If you picked up the taxi at a taxi rank or flagged down the vehicle in the street, please contact licensing@lancaster.gov.uk providing as much detail of the complaint as possible. The Council's licensing team will investigate your complaint and advise you of the outcome.

Compliments

- Hackney carriage drivers often face lots of challenges when undertaking their work, if you think that your driver has provided an excellent service, please take the time to say thank you. You may even wish to contact the Council to them know about the excellent service you received.

In any event, for advice, information or concerns about the licensed trade you can contact Lancaster City Councils Licensing team at: licensing@lancaster.gov.uk

Private Hire

Public Information Charter

This information is produced by Lancaster City Council who have licensed this vehicle and its driver, the following information is for the benefit of passengers and the driver.

Passengers and drivers should show mutual respect and be polite to each other.

Passengers please:

- Let the driver know of any specific requirements before you commence your journey.
- Make sure you have adequate funds to pay for your journey.
- For the comfort of future passengers do not eat, smoke, or drink inside this vehicle.
- Do not ask the driver to speed or to take unnecessary risks on the road.
- Make sure you do not leave any property in the vehicle.
- Ask the driver if you would like any assistance.
- Ask the driver if you would like a receipt, one should be provided on request.

Passengers if you have concerns about your journey:

- Take note of the vehicle licence number at the top of this information sheet.
- If you feel unsafe tell the driver and use your mobile phone to contact a responsible person.

Complaints

- If you are unhappy about the service provided, please contact the private hire operator and provide details of your complaint. The operator will investigate your complaint and advise you of the outcome.

Compliments

- Private hire drivers often face lots of challenges when undertaking their work, if you think that your driver has provided an excellent service, please take the time to say thank you. You may even wish to contact the private hire operator or Lancaster City Council to them know about the excellent service you received.

In any event, for advice, information or concerns about the licensed trade you can contact Lancaster City Councils Licensing team at: licensing@lancaster.gov.uk

Staying Safe: Guidance for Passengers

This guidance is provided to assist passengers in identifying hackney carriage and private hire vehicles and the increased risks of using unlicensed vehicles.

The licensing of hackney carriage and private hire vehicles is undertaken by local councils, who in turn set local criteria around the licensing of the trade (commonly referred to as taxis). This is why hackney carriages and private hire vehicles look different in different parts of the Country. In the large city areas, a lot of the hackney carriage vehicles tend to be London style taxis – often commonly referred to as “black cabs”, in smaller

cities, towns, and rural areas including Lancaster City Council area there is no requirements for all hackney carriages to be London style cabs, in Lancaster they are a mix of saloon cars, multipurpose vehicles and wheelchair accessible vehicles.

The private hire trade is also licensed by the Lancaster City Council, these vehicles have to be prebooked through a private hire operator.

Listed below is information on what the different types of licensed vehicles look like in Lancaster and how you can tell a vehicle is licensed in the first instance.

All licensed vehicles have the following information displayed:

- A rear licensed plate that provides a licence number, an expiry date, the vehicle registration number, and Lancaster City Council Logo. Hackney carriage plates are blue and white in colour and private hire are green, examples are shown below.



- All licensed vehicles will also have door signage on the vehicles, showing the licence number.



- All licensed vehicles will have no smoking signage on the passenger door windows.
- All licensed vehicles fitted with a meter will have a tariff card displayed inside the vehicle in such a position that it can be seen by passengers.
- All licensed vehicles will have the public information charter displayed in the vehicle in such a position that it can be seen by passengers.

How do Hackney Carriage vehicles look different to Private Hire vehicles

All Lancaster Licensed hackney carriages have to have a roof sign on the top of the vehicle. This can be one of two types, if the vehicle is a purpose-built hackney carriage, i.e., London taxi/"black cab" type vehicle it will have a roof sign built into the front of the vehicle with the words for hire printed on it.

If the vehicle is a saloon or none purpose built hackney it will have the following style roof sign on the vehicle.

The door signage is blue and white in colour.



How do Private Hire vehicles look different to Hackney Carriages?

Private hire vehicles do not have any roof signs and the door signage is yellow and black in colour.

Apart from looking different what is the difference between the two types of licensed vehicles often commonly known as taxis?

- A customer can pre book a hackney carriage vehicle, flag it down in the street or pick it up from a hackney carriage rank.
- Only Lancaster licensed hackney carriage vehicles can ply for hire in the streets or at a rank, vehicles licensed in other areas cannot ply for hire or wait at ranks within the Lancaster area.
- Private hire vehicles must be prebooked through a licensed private hire operator. The bookings must be made in advance of customers getting into the vehicle.
- If a customer uses a private hire vehicle without prebooking the vehicle is in effect uninsured as the insurance in place cannot cover this type of use of the vehicle
- Hackney carriages can be prebooked either through a private hire operator or direct with the driver.

Safety issues to consider

- Only get into a vehicle if you satisfied that it is appropriately licensed.
- Only use a private hire vehicle if it has been pre-booked.
- Take note of the vehicle details and pick-up point. Some people chose to take a quick photo of the vehicle licence plate.
- If possible prebook your return journey before going out
- When prebooking a journey, make sure the collection point and drop off point is in a safe place i.e., well lit, busy area, if possible covered by CCTV
- Make sure you have adequate funds to pay for your journey – it may be an offence to take a journey without have the means to pay.
- Check if the company/ vehicle you are using accepts card payments.
- If travelling alone, consider letting someone know of your journey plans and when your journey has been completed.
- Use the rear seats of the vehicle in preference to the front seats.
- When prebooking make sure the company/ person you are booking with is licensed by Lancaster City Council
- Do not fall asleep in the vehicle the driver may not know your exact end location and may feel uncomfortable in having to try to wake you up.
- When prebooking a private hire vehicle you may be able to agree a fare in advance.

Appendix C

Annual Report

Number of Licensing Applications Determined

Type of Application	Licence Granted		Licence Refused	
	Application within policy	Application outside of policy	Application within policy	Application outside of policy
PH Driver - New				
PH Driver - Renewal				
HC Driver - New				
HC Driver - Renewal				
Dual Driver - New				
Dual Driver - Renewal				
PH Vehicle new				
PH Vehicle renewal				
HC Vehicle new				
HC Vehicle renewal				
PH Operator new				
PH Operator renewal				

Number of Compliance Visits/Inspections

Type of Licence	Numbers Undertaken		
	Satisfactory	Verbal/Written Warning	Formal Action
PH Driver			
HC Driver			
Dual Driver			
PH Vehicle (Test*)			
HC Vehicle (Test*)			
PH Vehicle (Inspection**)			
HC Vehicle (Inspection**)			
PH Operator			

Key:

PH/HC Vehicle Test* denotes vehicle test as part of licence application process at Vehicle Maintenance Unit (VMU).

PH/HC Vehicle Inspection** denotes reactive inspection undertaken by licensing officers during the course of the licence.

Use of Suspension and Revocation Provisions

Type of Licence	Suspension		Revocation	
	Immediate	Delayed	Immediate	Delayed
PH Driver				
HC Driver				
Dual Driver				
PH Vehicle				
HC Vehicle				
PH Operator				

Complaints

(Data relates to complaints closed out during the particular period – otherwise action numbers never align)

Type of Licence	Complaints			
	Driver or Operator Conduct/Vehicle Safety	Driving Standards	Overcharging/ Long Routes etc.	Cleanliness
PH Driver				
HC Driver				
Dual Driver				
PH Vehicle		N/A	N/A	
HC Vehicle		N/A	N/A	
PH Operator		N/A		

Key: N/A - Not Applicable

Appendix D

List A : Documents showing an on-going right to work in the UK

1. A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B1 : Documents showing a time-limited right to work in the UK

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021. Entry to be removed - refer to List B, Group 2, no. 2
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B2 : Documents showing a time-limited right to work in the UK for 6 months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 together with a Positive Verification Notice from the Home Office Employer Checking Service. Entry amended.
3. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.
5. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service. Additional document entered on list.

Appendix E

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE DRIVER LICENCES

CONDITIONS OF LICENCE

A Licensing Administration

A1 Deposit of Licence

A private hire driver shall:

- Provide the holder of the private hire vehicle licence with a copy of his private hire drivers licence prior to driving a licensed vehicle and shall provide copies of future licences upon grant.
- before commencing work with a private hire operator provide the private hire operator with a copy of his private hire driver's licence and shall provide copies of future licences upon grant.

A2 Change of Address

A private hire driver shall:

- Within 7 days of a change of address notify the Council in writing of the change of address.

A3 Production of Driving Licence and Insurance

A private hire driver shall:

- Within 2 working days of a request being made, provide the Licensing Office with a DVLA check code to enable a check of his/ her DVLA licence to be undertaken.

A4

A private hire driver shall:

- Report to the licensing office any form of road traffic accident/ collision/ incident in which the license holder was the driver of a vehicle involved in the incident This is regardless of whether the incident was in a licensed vehicle or not. The incident should be reported as soon as possible and in any event within 72 hours. The incident should be reported on the driver notification of accident form available online at the Councils website.

A5

A private hire driver shall:

- Undertake any reasonable training appropriate to the role of a licensed driver as required by the City Council. Any costs associated with the provision of the training will be borne by the licence holder.

A6

A private hire driver shall:

- ensure that relevant documentation (including DBS update status, Medical Certificate, and right to work documentation is maintained throughout the duration of the licence

A7

A private hire driver shall:

- notify the licensing office in writing or by email of the name of his/ her private hire operator company within 7 days of commencing taking bookings from the operator

B Convictions and Suitability

B1 Convictions and Cautions

A private hire driver shall:

- within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence.

C Medicals

C1

A private hire driver shall:

- Notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard (the same standard as applied by the DVSA to the licensing of lorry and bus drivers). Notification must be sent to the Licensing Office email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- The licensee shall at any time (or at such intervals as the City Council may reasonably require) produce a current certificate in the form prescribed by the City Council signed by an appropriate Doctor/ Consultant who has access to the driver's full medical records to the effect that he/she is or continues to be fit to be a driver of a private hire vehicle.

D Driver Conduct

D1

A private hire driver shall:

- Be polite to passengers and communicate clearly
- Whilst working as a private hire driver be compliant with the dress code for licensed drivers
- Provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/ building)
- Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission
- Ensure luggage is stored safely and properly secured in the vehicle
- Not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is the use for sending or receiving messages in connection with the operation of the vehicle
- Not conduct themselves or utilise the vehicle in any way so as to be a nuisance to passengers, or the public
- Comply with any reasonable request made by an Authorised Officer, Testing Mechanic or Police Officer. The licensed driver will also comply with any reasonable request of the passenger regarding their comfort during the journey (e.g. heating/ventilation).

D2 Seatbelts/Child Seats

A private hire driver shall:

- know and comply with the highway rules around children travelling in private hire vehicles, in particular regarding the provisions of car seats and where in the vehicle children are permitted to sit (see taxi policy for details).
- The licensed driver shall ensure that all passengers must have access to a designated seat and appropriate seat belt. For passengers travelling in a wheelchair, the wheelchair can be regarded as a designated seat provided the wheelchair is adequately secured using proper restraints and the passenger travelling in the wheelchair has access to an appropriate seat belt. (Compliance with this licence condition may mean that the vehicle cannot carry the maximum number of passengers that it is licensed to carry)

D3

A private hire driver shall:

- Keep relationships with passengers on an appropriate professional basis
- Not keep or utilise customer telephone number or other contact details other than for purposes associated with the booking

D4

A private hire driver shall:

- Drive with due care and courtesy towards the passengers and other road users
- Ensure that the passenger has pre-booked before commencing the journey
- Take the most time efficient route bearing in mind likely traffic problems and known diversions and agree with the passenger any diversion from the most direct route.

D5

A private hire driver shall:

- Ensure that the vehicle is kept clean (inside and out) and free of rubbish

D6

A private hire driver shall undertake a daily vehicle check at the beginning of each shift.

The checks to be carried out are as follows:

- Lights and indicators
- Tyre condition, pressures and tread/ wheelnuts
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with licensing requirements
- Signage present as required
- Brakes
- Horn in working order
- Oil/ water levels
- Drivers mirrors
- Seats/ seat belts
- Sundry equipment
- Suspension/ steering appear to be working ok

The private hire driver shall

- ensure a record is immediately made once the checks have been carried out and note any defects and corrective action undertaken. The record of the check is to be kept in the vehicle at all times and will ensure the information is available to an Authorised Officer upon request.
- In the case of vehicles licensed by a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken/ required

D7

A private hire driver shall

- stop or park the private hire vehicle considerately and legally (not in contravention of any road traffic orders) and shall switch off the engine if required to wait
- Wherever possible ensure that children and vulnerable adults leave the vehicle directly onto the kerb and outside their destination (if it is safe and legal to do so).

D8 Written Receipts

A private hire driver shall

- Provide written receipts on request

D9

A private hire driver 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.
- Ensure that their private hire operator is aware of any exemption certificate they have from the City Council in relation to the requirement to carry assistance dogs.

D10

A private hire driver shall

- Report immediately to the operator any incident of concern including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.
- Be vigilant regarding vulnerable passengers and safeguarding concerns when working and shall report any concerns immediately to the private hire operator.
- Report any safeguarding concerns regarding the private hire operator to the Licensing office.

D11 Prompt Attendance

A private hire driver shall

- If aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator 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.

D12

A private hire driver shall

- Not engage in any sexual or illicit related activity in a licensed vehicle, even if consensual and the vehicle is not being used for private hire purposes.

E Assistance Dogs**E1**

A private hire driver shall

- Keep a copy in the licensed vehicle of any exemption certificate issued by the City Council, relating to the medical condition that prevents the licensed driver from carrying assistance dogs in the licensed vehicle

FOR INFORMATION IT IS A LEGAL REQUIREMENT TO CARRY AN ASSISTNCE DOG UNLESS AN EXEMPTION CERTIFICATE HAS BEEN ISSUED BY THE CITY COUNCIL TO THE NAMED DRIVER

F Fares and Meters**F1**

A private hire driver shall:

- ensure the meter is set to display any fare table adopted by the private hire operator
- ensure any meter is set to the tariff displayed and sealed appropriately

F2

A private hire driver shall:

Not operate the meter until the journey commences (this does not apply where no meter is fitted in the private hire vehicle)

G Illegal ply for hire/standing for hire**G1**

A private hire driver shall

- not behave in a way that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:
 - a. in high footfall /high visible locations
 - b. outside busy venues/ businesses or in close proximity to events
 - c. at the front or back of designated hackney rank
 - d. in groups or lines that present as a "rank
 - e. in contravention of road traffic orders
- Ensure that the passenger has pre-booked before commencing the journey
- Not while driving or in charge of a private hire vehicle: Accept, or consider accepting, an offer for the immediate hire of that vehicle, including any such hire that is then communicated to the Operator to be recorded on the Operator's booking system.

For the avoidance of doubt, bookings can only be undertaken when first communicated to the licensed driver by the operator.

H Lost Property**H1**

A private hire driver shall

- Immediately after the hiring or as soon as practicable thereafter check the vehicle for lost property.
- Notify the owner of the lost property found in the vehicle (if this is possible by either booking records or personal details found in the lost property)
- Make arrangements with the property owner regarding its return

Where the owner of the property cannot be ascertained the lost property must be handed back to the private hire operator who will hold the property for a period not exceeding 6 months, before disposing of unclaimed items.

Appendix F

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:

16. 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.
17. 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 therefore.

Repeal of Byelaws

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

The Common Seal of the Council of the City of Lancaster was here unto affixed this seventh day of LS February 2014 in the presence of:

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.

Appendix G

Code of Conduct Hackney Carriage Drivers

The Local Government (Miscellaneous Provisions) Act 1976 S59 requires that the Local Authority only licences persons it deems “fit and proper” to be hackney carriage drivers. The Council has specific requirements which a person must satisfy in order to be meet the “fit and proper” test, these include driving standards, training, medical fitness, criminality checks, language assessments etc.

The Council has a code of conduct in place for hackney carriage drivers to provide guidance on the standards that hackney carriage drivers are expected to maintain as part of continuing to meet the “fit and proper” test throughout the duration of their licence.

Failure to comply with the code of conduct or any other conduct that could jeopardise the “fit and proper” standard could result in a formal review of a hackney carriage driver’s licence, the outcome of which could include suspension or revocation of the licence.

Conduct of Driver

This is separated into 5 distinct areas of conduct:

1. Administrative Conduct

A hackney carriage driver shall:

- Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence
- Within 7 days notify the Council in writing of any change of address.
- Within 2 working days of a request being made, provide the Licensing Office with a DVLA check code to enable a check of his/her DVLA licence to be undertaken
- Ensure that relevant documentation (including DBS update status, Medical Certificate, and right to work documentation is maintained throughout the duration of the licence Notify the Council of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver’s licence requiring a DVSA Group 2 medical standard (the same standard as applied by the DVSA to the licensing of lorry and bus drivers). Notification must be sent to the Licensing office email address immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- At any time (or at such intervals as the City Council may reasonably require) produce a certificate in the form prescribed by the City Council signed by an appropriate Doctor/Consultant who has access to the driver’s full medical records to the effect that he/she is or continues to be fit to be a driver of a hackney carriage vehicle.
- Undertake any reasonable training appropriate to the role of a licensed driver as required by the City Council. Any costs associated with the provision of the training will be borne by the licence holder.
- Report to the licensing office any form of road traffic accident/ collision/ incident in which the license holder was the driver of a vehicle involved in the incident This is regardless of whether the incident was in a licensed vehicle or not. The incident should be reported as soon as possible and in any event within 72 hours. The incident should be reported on the driver notification of accident form available online at the Councils website.
- Keep a copy in the licensed vehicle of any exemption certificate issued by the City Council, relating to the medical condition that prevents the licensed driver from carrying assistance dogs in the licensed vehicle, (without an exemption certificate a hackney carriage driver is legally obliged to carry an assistance dog)

2. Conduct whilst working as a Licensed Driver

A hackney carriage driver shall:

- Whilst working as a hackney carriage driver be compliant with the dress code for licensed drivers
- Shall be polite to passengers and communicate clearly
- Keep the vehicle clean and free of rubbish
- Provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/ building)
- Ensure luggage is stored safely and properly secured in the vehicle
- Provide written receipts on request
- Keep relationships with passengers on an appropriate professional basis
- Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission
- Not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is the use for sending or receiving messages in connection with the operation of the vehicle
- Not conduct themselves or utilise the vehicle in any way so as to be a nuisance to passengers, or the public
- Drive with due care and courtesy towards the passengers and other road users
- Know and comply with the highway code rules around children travelling in hackney carriage vehicles, in particular regarding the provisions of car seats and where in the vehicle children are permitted to sit (see taxi policy for details)
- Not carry any animal belonging to himself in the vehicle
- Carry out and keep a record of a daily inspection of the vehicle. The checks shall include the following items, lights and indicators, tyre condition, pressures and tread/ wheel nuts, Wipers, washers and washer fluid levels, cleanliness inside and out, Bodywork – no dents or sharp edges, all signage and plates present and fixed in accordance with licensing requirements, brakes, horn in working order, oil/ water levels, drivers' mirrors, seats/ seat belts, sundry equipment and any obvious defects to suspension/ steering
- The licensed driver shall ensure that all passengers must have access to a designated seat and appropriate seat belt. For passengers travelling in a wheelchair, the wheelchair can be regarded as a designated seat provided the wheelchair is adequately secured using proper restraints and the passenger travelling in the wheelchair has access to an appropriate seat belt. (this may mean that the vehicle cannot carry the maximum number of passengers that it is licensed to carry)

3. Conduct in respect of Fares Levied and Use of Meters

A hackney carriage driver shall:

- *Use the meter within the licensed area, unless the passenger has agreed to hire by time
- *Take the most time efficient route bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route
- Where a Hackney Carriage vehicle is hired via a telephone call to a private hire 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, the meter shall not be set into operation until the hirer has commenced his journey. (The meter cannot be switched on until the journey has commenced – unless the fare has been agreed in advance for an out of area booking)
- Ensure the current hackney carriage tariff is displayed in the vehicle in such a location that it can be seen and read by passengers

4. Conduct in respect of Lost Property

A hackney carriage driver shall:

- Immediately after the hiring or as soon as practicable thereafter check the vehicle for lost property.
- Notify the owner of the lost property found in the vehicle (if this is possible by either known address or contact details or personal details found in the lost property)
- Make arrangements with the property owner regarding its return
- Where the owner of the property cannot be ascertained the lost property must be handed to the Lancaster City council Licensing office

5. Conduct in respect of Hackney Carriage Byelaws

A hackney carriage driver shall:

- Familiarise him/ herself with the requirements of the Lancaster city council hackney carriage byelaws
- Comply with the requirements of the byelaws

IT IS AN OFFENCE TO FAIL TO COMPLY WITH THE REQUIREMENTS OF THE RELEVANT BYELAWS FOR WHICH A LICENSED DRIVER CAN BE PROSECUTED AS WELL AS BEING SUBJECT TO A REVIEW OF HIS/ HER HACKNEY CARRIAGE DRIVERS LICENCE TO ASSESS WHETHER A PERSON REMAINS FIT AND PROPER TO HOLD THE SAID LICENCE.

Key: * Denotes taken from DfT best practice guidance 2010.

Appendix H

Hackney Carriage and Private Hire Drivers Dress Code.

The drivers' dress code forms part of the hackney carriage drivers code of conduct and the private hire drivers licence conditions.

The purpose of the dress code is to set a standard that provides a positive image of Lancaster's licensed hackney carriage and private hire trade, and that the standard adopted seeks to promote public and driver safety.

Dress Code

- All clothing worn by driver whilst working as private hire/ hackney carriage driver must be in good condition and the driver must have good standards of personal hygiene.
- As a minimum standard whilst working as a licensed driver, males should wear trousers and a shirt which has a full body and short/ long sleeves. Knee length tailored shorts are also acceptable.
- As a minimum standard whilst working as a licensed driver, female should wear trousers. Knee length skirt or dress and a shirt/ blouse which has a full body and short/long sleeves. Knee length tailored shorts are also.
- Footwear whilst working as a licensed driver shall fit i.e., be secure around the heel of both feet.

Examples of Unacceptable Standard of Dress

- Clothing that is not kept in clean condition, free from holes, rips, or other damage.
- Words or graphics on any clothing that is of an offensive nature or suggestive nature which might offend.
- Sportswear e.g., football/rugby kits including shirts, track suits in whole or part, beachwear.
- Sandals with no heel straps, flip flops or any other footwear not secure around the heel.
- The wearing of any hood or any other type of clothing that may obscure the drivers' vision or their identity.

Uniforms

The Council recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform, except for licensed drivers of Executive Hire vehicles. The Council acknowledges that nationally some operators and hackney carriage associations do require licensed drivers to wear appropriate corporate branded uniform and this is a practice that the Council would encourage Lancaster companies to consider and adopt. Such branding may assist with the identification of the licensed trade as distinct from any unlicensed driver who may be trading illegally.

Appendix I

Private Hire Vehicle specification

Specification Standards

1. Vehicles must conform to M1 vehicle standard. Converted vehicles must have either European whole vehicle type approval/ individual type approval (IVA) or European low volume type approval
2. Vehicles cannot be retrofitted with engines of a poorer emission standard than that of the vehicle at manufacture
3. No new vehicle licence will be granted to any vehicle which has been subject to any category of vehicle write off
4. No renewal licence will be granted to any vehicle which has been subject to any category of write off
5. No roof signs are permitted
6. Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats.

That the licensing committee may make exceptions for specific models of vehicle, made to the manufacturer's specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.

NOTE - Two door saloon cars with tilted seats are not considered suitable for licensing as the majority of customers would have to access the vehicle via a tilted seat and such vehicles do not add any additional passenger benefits when compared to a 4-door saloon

7. Only seats fitted with a three-point safety belt fitted as standard by the vehicle manufacturer will be classed as usable by passengers. Side facing seats are not permitted
8. 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.

9. No vehicle currently licensed as a hackney carriage / private hire vehicle in another authority will be licensed by Lancaster City Council
10. The vehicle will have space for a reasonable amount of luggage associated with the maximum passenger numbers
11. The vehicle shall be right hand drive only
12. The vehicle shall have a solid roof / sunroofs are permitted
13. The vehicle shall have a minimum of 4 opening doors. All doors must be fitted with reflectors/ reflective strips or lights which are clearly visible from the rear of the vehicle when the door is open

14. All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers
15. Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers. Where this is not possible the vehicle should have an adequate air conditioning system which can be operated by passengers seated in the rear of the vehicle
16. All vehicles must have adequate leg and foot room, shoulder width and head height to accommodate a passengers of 6 ft. height and average build. (For guidance purposes rear seat width should be 129 cm per licensed seat)
17. With effect from 1 January 2030 private hire vehicle licences will only be granted to vehicles which are zero emission
18. With effect from 1 January 2025 private hire vehicle licences will only be granted to petrol, diesel or hybrid vehicles or vehicles which are Euro 6 compliant.
19. The vehicle must not have more than 8 passenger seats or capacity for more than 8 passenger seats
20. The vehicle must not have any sign, feature notice or illumination which consists of the word " taxi" or leads any person to believe the vehicle is a hackney carriage
21. The vehicle must be capable of passing the taxi test
22. Where retrofit emission technology is installed in a vehicle it must be of a type approved by the City Council

Special Requirements for Wheelchair Accessible Vehicles

23. The vehicle must be purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers (where vehicles have been adapted prior to registration certification will be available)
24. 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.
25. 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 at all times
26. A wheelchair accessible private hire vehicle cannot be fitted with an operable roof sign. If the vehicle is fitted with an integral roof sign it must be made inoperable and the roof sign painted the same colour as the body of the vehicle
27. The Council will not licence as a private hire vehicle a London style taxi/ metro cab type vehicle or any other vehicle that appears to have the design of the " ionic London cab"

Appendix J

Hackney Carriage Vehicle Specification

Specification Standards

1. Vehicles must conform to M1 vehicle standard. Converted vehicles must have either European whole vehicle type approval/ individual type approval (IVA) or European low volume type approval.
2. Vehicles cannot be retrofitted with engines of a poorer emission standard than that of the vehicle at manufacture.
3. No new vehicle licence will be granted to any vehicle which has been subject to any category of vehicle write off.
4. No renewal licence will be granted to any vehicle which has been subject to any category of write off
5. Unless the vehicle is fitted with an integral taxi roof sign, it must be fitted with the Lancaster City Council approved taxi roof sign.
6. Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats.

The licensing committee may make exceptions for specific models of vehicle, made to the manufacturer's specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.

NOTE: Two door saloon cars with tilted seats are not considered suitable for licensing as the majority of customers would have to access the vehicle via a tilted seat and such vehicles do not add any additional passenger benefits when compared to a 4-door saloon.

7. Only seats fitted with a three-point safety belt fitted as standard by the vehicle manufacturer will be classed as usable by passengers. Side facing seats are not permitted
8. 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.

9. No vehicle currently licensed as a hackney carriage / private hire vehicle in another authority will be licensed by Lancaster City Council.
10. The vehicle will have space for a reasonable amount of luggage associated with the maximum passenger numbers.

11. The vehicle shall be right hand drive only.
12. The vehicle shall have a solid roof/sunroofs are permitted.
13. The vehicle shall have a minimum of 4 opening doors. All doors must be fitted with reflectors/ reflective strips or lights which are clearly visible from the rear of the vehicle when the door is open.
14. All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers.
15. Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers. Where this is not possible the vehicle should have an adequate air conditioning system which can be operated by passengers seated in the rear of the vehicle.
16. All vehicles must have adequate leg and foot room, shoulder width and head height to accommodate a person of 6ft height and average build.
17. With effect from 1 January 2030 hackney carriage vehicle licences will only be granted to vehicles which are zero emission.
18. With effect from 1 January 2025 private hire vehicle licences will only be granted to petrol, diesel or hybrid vehicles or vehicles which are Euro 6 compliant.
19. The vehicle must not have more than 8 passenger seats or capacity for more than 8 passenger seats.
20. The vehicle must be capable of passing the taxi test.

Special Requirements for Wheelchair Accessible Vehicles

21. The vehicle must be purpose built by the manufacturer or adapted prior to registration in a manner approved by the manufacturer, for the conveyance of wheelchair bound passengers (such adaption will have appropriate certification).
22. 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.
23. 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 at all times.
24. If the vehicle was not purpose built for the carriage of wheelchairs the applicant will be required to produce documentary evidence that it was adapted prior to registration, and that the adaption was approved by the manufacturer.

Appendix K

Private Hire Vehicle specification

Public safety is at the core of hackney carriage and private hire licensing, the safety of a licensed vehicle is an integral part of that. As part of the conditions attached to driver and vehicle licences and the hackney carriage drivers code of conduct both drivers and vehicle licence owners have responsibility in terms of the safety of the vehicle.

Drivers

A licensed driver shall undertake a daily vehicle check at the beginning of each shift. The checks to be carried out are as follows:

- Lights and indicators.
- Tyre condition, pressures and tread/wheelnuts.
- Wipers, washers, and washer fluid levels.
- Cleanliness inside and out.
- Bodywork – no dents or sharp edges.
- Licence plates present and fixed in accordance with licensing requirements.
- Signage present as required.
- Brakes.
- Horn in working order.
- Oil/Water levels.
- Drivers mirrors.
- Seats/seat belts.
- Suspension/steering appear to be working ok.
- Sundry equipment.

The licensed driver shall ensure a record is immediately made once the checks have been carried out and note any defects and corrective action undertaken. The record of the check is to be kept in the vehicle at all times and will ensure the information is available to an Authorised Officer upon request. In the case of vehicles licensed by a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken/required.

Proprietor (Vehicle Licence Holder)

A vehicle licence holder shall on a monthly basis undertake and keep a written record of the vehicle inspection detailing the outcome of all the checks carried out. The documented information must as a minimum contained the information detailed in Table 1 (below).

Vehicle Testing

When a licensed vehicle is submitted for a vehicle licence test, the vehicle testers or authorised officers may ask to see the vehicle inspection records. Where there are anomalies between the condition of the vehicle as presented for test and the vehicle inspection records these will be reported to the licensing office and consideration given as to any action required in terms of the vehicle licence holder or the licensed driver

What if the licensed driver and or vehicle holder fail to undertake the checks and record the required information?

The failure to complete the relevant vehicle checks as required by the licence conditions represents a breach of those conditions, this may then give rise to the Council formally considering whether an individual remains suitable to continue to hold the licence in effect whether the driver remains fit and proper to hold a drivers licence if he/ she is not capable of carrying out safety checks on the vehicle. Similarly, is a vehicle licence holder an appropriate person to hold a vehicle licence if he/ she is not capable of demonstrating that the vehicle is properly maintained. Such failures may also impact on a person's suitability to hold future licences.

Notes:

The vehicle must be in a roadworthy condition before it is available for hire. Defects should be reported to the vehicle proprietor and repaired/rectified before starting work. Documents may be checked at the vehicle test. The form below can be replaced with similar paperwork of your choice but must contain all the information as detailed on the form below.

Driver and Proprietor

Vehicle Inspection Record and Checklist

Date Checks Completed:

Vehicle Make and Model:

Licence Plate No:

Registration No:

Item Checked	Satisfactory (please ✓ as appropriate)	
	Yes	No
Fuel, Oil, and Water		
Handbrake/Footbrake		
Wheel Security (No nuts/Studs missing or loose)		
Tyres (Tread/Pressure)		
Lights, Reflectors, Horn (including Activated Warning Lights)		
Driver's Mirrors (intact and adjusted)		
Windscreen/Wipers/Washer		
All Seats and Seat Belts		
First Aid Box/Fire Extinguisher		
All Signage Internal/External and Plates (present and in good condition, including Roof Lights on Hackney Carriages)		
Body Panels/Paintwork		
Sundry Equipment i.e., Steps, Ramps, Wheelchair Anchor Straps, Swivel Seats		
Suspension/Steering i.e., any knocking or rattling? (Problems should be investigated immediately and necessary repairs carried out).		

I certify that the above checks have been completed. Any corrective action has been completed.
The vehicle is/is not in a roadworthy condition.

Checks carried out by

Name (please print)

Signature:

Badge No:

Date:

Proprietor of Vehicle

Name (please print)

Signature:

Contact

Date:

Appendix L

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCES

CONDITIONS OF LICENCE

A Licensing Administration

A1

The vehicle licence holder shall:

- Within 7 days notify the Council in writing (an email will suffice) of any change of address.

A2

The vehicle licence holder shall:

- In the event of the private hire vehicle licence being held in the name of a company or partnership, the licensing authority shall be notified in writing (email will suffice) of any change in directors or partners within 14 days of any such change taking place.

A3

The vehicle licence holder shall:

- Ensure that whilst a private hire vehicle is licensed by Lancaster City Council the vehicle is not to be licensed by another local authority.

A4

The vehicle licence holder shall:

- Upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer

A5

The vehicle licence holder shall:

- Throughout the currency of the licence, keep in force in relation to the user of the private hire vehicle, a suitable policy of insurance which cover, private hire use, third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

A6

The vehicle licence holder shall:

- Before permitting a licensed private hire driver to drive the licensed vehicle require the driver to deliver to him/her a copy of their private hire driver's licence for retention, until such time as the driver ceases to be permitted or employed to drive the private hire vehicle.

The vehicle licence holder shall:

- Keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the drivers licence.
- Not allow any person to drive the licensed vehicle without a valid private hire driver's licence being in place.
- Keep information re driver's licences for six months after expiry and produce upon request to an authorised officer or constable.

A7

The private hire vehicle licence holder shall:

- Pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

B Condition of the Vehicle

B1

The vehicle licence holder shall:

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

B2

The vehicle licence holder shall:

- Ensure the boot / luggage compartment should be available for passenger luggage and otherwise kept 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

B3

The vehicle licence holder shall:

- Ensure that the private hire vehicle is maintained in good order and should be capable of passing the Councils vehicle test/ inspection at any stage during the licence period
- On a monthly basis undertake and keep a written record of the vehicle inspection detailing the outcome of all the checks carried out. The documented information must as a minimum contained the following:
 - Lights and indicators
 - Tyre condition, pressures and tread/wheel nuts
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges
 - Licence plates present and fixed in accordance with licensing requirements
 - Signage present as required
 - Brakes
 - Horn in working order
 - Oil/ water levels
 - Drivers mirrors
 - Seats/ seat belts
 - Sundry equipment
 - Suspension/steering appear to be working ok.

B4

The vehicle licence holder shall:

- Ensure there is provided and maintained in the vehicle at all times 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.

B5

The vehicle licence holder shall:

- Ensure 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.

C Convictions and Suitability

C1

The vehicle licence holder shall:

- within 48 hours notify the council in writing (email will suffice) providing full details of any arrest or criminal investigation, summons, charge conviction, formal or simple caution, fixed penalty or alternative driving related course, binding over, criminal court order, criminal behaviour order or anti-social behaviour injunction, domestic violence related order against them during the period of the licence and or during the period since receipt of the application up to grant of the licence.

D Signage

D1

The vehicle licence holder shall:

- Ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle
- Ensure the front plate is firmly affixed to the offside area of the front bumper in such a way that all information on the plate is visible when stood looking at the front of the vehicle. The plate must not obscure the registration plate of any lights on the vehicle

D2

The vehicle licence holder shall:

- Ensure that before driving a licensed vehicle or renting/ tracking a vehicle to a licensed driver the following signage is in place in accordance with the requirements of these conditions
- Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. These cannot be magnetised.
- No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle
- Ensure that the Council issued "passenger information signage" is displayed in the vehicle in such a way that it can be seen by all passengers when seated. If required multiple signs must be displayed
- Ensure the licensed driver is made aware of the requirement to display the operators approved door sign in the middle of the rear doors of the vehicle in a 4-door saloon and in an equivalent position where they can be seen by all passengers approaching the vehicle in a vehicle which does not have 4 passenger doors. These signs cannot be magnetised.

D3

The vehicle licence holder shall:

- Ensure no roof sign of any type including advertisements are utilised on a private hire vehicle.

D4

The vehicle licence holder shall:

- Provide signage displayed in the vehicle in such a position that it can be seen by all passengers when seated stating the Licence number of the vehicle and the maximum number of passengers to be carried in the vehicle.

D5

The vehicle licence holder shall:

- Ensure no sign, notice, flag, emblem, or advertisement shall be displayed in or on a Private Hire Vehicle without the express permission of the Council.

E Assistance Dogs

E1

The vehicle licence holder shall:

- Not prevent a licensed driver from carrying assistance dogs in the vehicle,

(The only exemption to this is where a licensed driver who drives the vehicle has been issued with an exemption certificate by the City Council).

F Meters

F1

The vehicle licence holder shall ensure if the vehicle is fitted with a meter:

- It is always of a type approved by the Council and maintained in a sound mechanical condition
- It is illuminated and is located in a position where any hirer can see the fare easily

The licensee shall ensure:

- the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded there on
- The meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle.

G Additional Conditions applicable to Wheelchair Accessible Vehicles

G1

The vehicle licence holder shall:

- Ensure any person permitted to drive the vehicle is fully trained and can safely use all the specialist equipment in the vehicle, in particular the licence holder must satisfy himself that the driver can safely load/ unload and secure any passenger travelling in a wheelchair.

G2

The vehicle licence holder shall in respect of a wheelchair accessible licensed vehicle:

- Ensure the private hire vehicle displays the nationally recognised wheelchair accessible sign immediately above the Council issued door signs.

Appendix M

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE VEHICLE LICENCES

CONDITIONS OF LICENCE

A Licensing Administration

A1

The vehicle licence holder shall:

- Within 7 days notify the Council in writing (an email will suffice) of any change of address.

A2

The vehicle licence holder shall:

- In the event of the hackney carriage vehicle licence being held in the name of a company or partnership, the licensing authority shall be notified in writing (email will suffice) of any change in directors or partners within 14 days of any such change taking place.

A3

The vehicle licence holder shall:

- Ensure that whilst a hackney carriage vehicle is licensed by Lancaster City Council the vehicle is not to be licensed by another local authority

A4

The vehicle licence holder shall:

- Upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer

A5

The vehicle licence holder shall:

- Throughout the currency of the licence, keep in force in relation to the user of the hackney carriage vehicle, a suitable policy of insurance which covers, public hire use, third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

A6

The vehicle licence holder shall:

- Before permitting a licensed hackney carriage driver to drive the vehicle require the driver to deliver to him/her a copy of their 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.
- keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the licence.
- not allow any person to drive the licensed vehicle without a valid hackney carriage drivers licence being in place.
- Keep information relating to drivers licences for six months following expiry of the licence and produce upon request to an authorised officer or constable.

A7

The vehicle licence holder shall:

- pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

B Condition of the Vehicle**B1**

The vehicle licence holder shall:

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

B2

The vehicle licence holder shall:

- Ensure the boot / luggage compartment should be available for passenger luggage and otherwise kept 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.

B3

The vehicle licence holder shall:

- Ensure that the hackney carriage vehicle is maintained in good order and should be capable of passing the Councils vehicle test/ inspection at any stage during the licence period
- A vehicle licence holder shall on a monthly basis undertake and keep a written record of the vehicle inspection detailing the outcome of all the checks carried out. The documented information must as a minimum contained the following checks:
- Lights and Indicators
- Tyre condition, pressures and tread/wheel nuts
- Wipers, washers and washer fluid levels
- Cleanliness inside and out
- Bodywork – no dents or sharp edges
- Licence plates present and fixed in accordance with licensing requirements
- Signage present as required
- Brakes
- Horn in working order
- Oil/ Water levels
- Drivers mirrors
- Seats/seat belts
- Sundry equipment
- Suspension/steering appear to be working ok

B4

The vehicle licence holder shall:

- Ensure there is provided and maintained in the vehicle at all times 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).
- Ensure the first aid kit is indelibly marked with the vehicle registration number of vehicle licence number

B5

The vehicle licence holder shall:

- ensure the Hackney carriage vehicle is capable of safely carrying a medium sized suitcase per person (guide airplane cabin size)

B6

The vehicle licence holder shall:

- Ensure 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

C Convictions and Suitability**C1**

The vehicle licence holder shall:

- Within 48 hours notify the council in writing (email will suffice) providing full details of any arrest or criminal investigation, summons, charge conviction, formal or simple caution, fixed penalty or alternative driving related course, binding over, criminal court order, criminal behaviour order or anti-social behaviour injunction, domestic violence related order against them during the period of the licence and or during the period since receipt of the application up to grant of the licence

D Signage

D1

The vehicle licence holder shall:

- Ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle

D2

The vehicle licence holder shall:

- In respect of hackney carriage vehicles not fitted with an integral roof sign ensure a roof sign in the style and format and containing the wording as prescribed by Lancaster City Council is affixed to the vehicle roof. The roof sign must be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire
- In respect of vehicles fitted with integral roof signs ensure roof signs are capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.
- Display door signs supplied by Lancaster City Council and affix these to the front doors of the vehicle. These cannot be magnitised.
- Ensure that the Council issued "passenger information signage" is displayed in the vehicle in such a way that it can be seen by all passengers when seated. If required multiple signs must be displayed
- No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle

D3

The vehicle licence holder shall:

- Provide signage displayed in the vehicle in such a position that it can be seen by all passengers when seated stating the Licence number of the vehicle and the maximum number of passengers to be carried in the vehicle.

D4

The vehicle licence holder shall:

- Ensure no sign, notice, flag, emblem or advertisement shall be displayed in or on a hackney carriage vehicle without the express permission of the Council.

D5

The vehicle licence holder shall:

- Ensure any hackney carriage vehicle 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.

E Assistance Dogs

E1

The vehicle licence holder shall:

- Not prevent a licensed driver from carrying assistance dogs in the vehicle.

(The only exemption to this is where a licensed driver who drives the vehicle has been issued with an exemption certificate by the City Council)

F Meters

F1

The vehicle licence holder shall:

- Ensure 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.

G Additional Conditions applicable to Wheelchair Accessible Vehicles

G1

The vehicle licence holder shall:

- Ensure any person permitted to drive the vehicle is fully trained and can safely use all the specialist equipment in the vehicle, in particular the licence holder must satisfy himself that the driver can safely load/ unload and secure any passenger travelling in a wheelchair.
- Ensure where there is a change of vehicle to hackney carriage licence mandated to be wheelchair accessible the new vehicle must be a wheelchair accessible vehicle that conforms to the hackney carriage wheelchair accessible vehicle specification.

G2

The vehicle licence holder shall:

- in respect of a wheelchair accessible licensed vehicle ensure the hackney carriage vehicle displays the nationally recognised wheelchair accessible sign immediately above the Council issued door signs.

Appendix N

Approved Signage

Private Hire Vehicle



Front Licence Plate

Licence holders must ensure that the front plate is firmly affixed to the offside area of the front bumper in such a way that all information on the plate is visible when stood looking at the front of the vehicle. The plate must not obscure the registration plate of any lights on the vehicle.



Rear Licence Plate

Licence holders must ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle.



Vehicle Door-sign

Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. These cannot be magnetised.



No Smoking Sign

No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.



Soiling Charge

Soiling charge signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.

Hackney Carriage



Roof-sign

In respect of hackney carriage vehicles not fitted with an integral roof sign

- Ensure a roof sign in the style and format and containing the wording as prescribed by Lancaster City Council is affixed to the vehicle roof. The roof sign must be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire

In respect of vehicles fitted with integral roof signs

- Ensure roof signs are capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.



Rear Licence Plate

Ensure that the rear plate is firmly affixed to the nearside of the rear bumper, all information on the plate should be visible from the rear of the vehicle and the plate must not in any way obscure the vehicle registration plates or lights on the vehicle



Door-sign

Display door signs supplied by Lancaster City Council and affix these to the front doors of the vehicle. These cannot be magnetised.



No Smoking Sign

No smoking signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.



Soiling Charge

Soiling charge signs must be displayed in such a manner that they can be seen by passengers inside and outside of the vehicle.

Ensure any hackney carriage vehicle 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.

General Information

A licence holder must:

Ensure that the Council issued "passenger information signage" is displayed in the vehicle in such a way that it can be seen by all passengers when seated. If required multiple signs must be displayed.

Provide signage displayed in the vehicle in such a position that it can be seen by all passengers when seated stating the Licence number of the vehicle and the maximum number of passengers to be carried in the vehicle.

Ensure no sign, notice, flag, emblem or advertisement shall be displayed in or on a hackney carriage vehicle without the express permission of the Council.

Appendix 0

Lancaster City Council Hackney Carriage Ranks

KEY:
Order Type and Restriction

TS : Taxi Stand

NO : No Waiting At Any Time

Side of Road

N : North

NE : North East

E : East

SE : South East

S : South

SW : South West

W : West

NW : North West

District

L : Lancaster

M : Morecambe

ORDER TYPE	STREET NAME	SIDE OF ROAD	START	FINISH	DATE FROM	SCHEDULE	TSRGD	DISTRICT	RESTRICTION	ORDER TITLE
TS	Access Road to Lancaster Cemetery	NW	From a point 25 metres North East of its junction with Quernmore Road	For a distance of 11 metres in a North-easterly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Ash Grove	E	From a point 59 metres North of its junction with Bridge Road	For a distance of 5.5 metres in a Northerly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Coulston Road	SE	From a point 14 metres North East of its junction with the access road situated between 146 and 148 Coulston Road	For a distance of 5.5 metres in a North-easterly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Green Lane	N	From a point 30 metres West of its junction with Halton Road	For a distance of 5.5 metres in a Westerly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Hala Square [Northerly Leg]	S	From a point 37 metres East of its junction with Lentworth Drive	For a distance of 5.5 metres in an Easterly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	St Martins Road	E	From a point opposite the Northerly kerb line of Westham Street	For a distance of 5.5 metres in a Southerly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Marine Road East	SE	From a point 37 metres North East of its junction with Lord Street	For a distance of 19 metres in a North-easterly direction	02/03/2009	3.06	650.1	M	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009

ORDER TYPE	STREET NAME	SIDE OF ROAD	START	FINISH	DATE FROM	SCHEDULE	TSRGD	DISTRICT	RESTRICTION	ORDER TITLE
TS	Torrisholme Road	N	From a point 30 metres East of the Easterly boundary of Ryelands Road	For a distance of 5.5 metres in an Easterly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Common Garden Street	S	From the Westerly junction of Russell Street	For a distance of 13 metres in an Easterly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Marine Road East	NW	From a point 22 metres South West of its junction with the access road to the Morecambe Golf Club	For a distance of 10 metres in a South-westerly direction	02/03/2009	3.06	650.1	M	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Marine Road Central	SE	From a point 302 metres West of the Westerly boundary of Northumberland Street	For a distance of 12 metres in a South-westerly direction	02/03/2009	3.06	650.1	M	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Marine Road West	NW	From a point 9 metres North East of the Easterly boundary of Lancashire Street	For a distance of 16.5 metres in a North-easterly direction	02/03/2009	3.06	650.1	M	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Broadway	W	From a point 8.5 metres North of the Northerly boundary of Dallam Avenue	For a distance of 20 metres in a Northerly direction	02/03/2009	3.06	650.1	M	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Penny Street	All	The triangular area of land at its junction with King Street from a point 3 metres South of the kerb line joining Penny Street with King Street	For a distance of 5 metres in a Southerly direction	02/03/2009	3.06	650.1	L	TS	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	North Road	W	From a point 14 metres North of the centre-line of Church Street	For a distance of 5 metres in a Northerly direction	06/12/2010	3.06	650.1	L	TS	Lancashire County Council (Church Street and North Road, Lancaster) (Part Revocation, Prohibition of Waiting, Loading/ Unloading, Goods Vehicles Only Loading/ Unloading Bay, Authorised Taxi Rank and Disabled Place) Order 2010
NO	Market Street	E	From a point 104 metres North of its junction with Central Drive	For a distance of 20 metres in a Northerly direction	15/07/2016	3.06	650.1	M	TS	Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016

ORDER TYPE	STREET NAME	SIDE OF ROAD	START	FINISH	DATE FROM	SCHEDULE	TSRGD	DISTRICT	RESTRICTION	ORDER TITLE
NO	Market Street	E	From a point 55 metres North of its junction with Central Drive	For a distance of 26 metres in a Northerly direction	15/07/2016	3.06	650.1	M	TS	Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016
NO	Market Street	W	From a point 89 metres from its junction with Central Drive in a Northerly direction	For a distance of 34 metres in a Northerly direction	15/07/2016	3.06	650.1	M	TS	Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016
NO	Tunstall Street	S	From a point 10 metres South East of its junction with the Westerly kerb line of Anderton Street	For a distance of 12 metres in a South-easterly direction	15/07/2016	3.06	650.1	M	TS	Lancashire County Council (Derby St, Marine Rd Central, Market St, Tunstall St and Victoria St, Morecambe, Lancaster City) (Revocation And Various Parking Restrictions) Order 2016
TS	Victoria Street	N	From a point 7.62 metres North East of its junction with Skipton Street	For a distance of 12 metres in a North-easterly direction	02/03/2009	3.08	650.1	M	TS 10am-4pm	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	North Road	SE	From its junction with Parliament Street	For a distance of 55 metres in a south-westerly direction	02/03/2009	3.13	650.1	L	TS 10pm-midnight and midnight-4am	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Gage Street	N	From a point 5 metres East of the Westerly boundary of Mary Street	For a distance of 10 metres in an Easterly direction	02/03/2009	3.07	650.1	L	TS 8am-6pm	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Gage Street	N	From a point 24 metres east of the Westerly boundary of Mary Street	For a distance of 13 metres in an Easterly direction	02/03/2009	3.07	650.1	L	TS 8am-6pm	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009
TS	Marine Road West	N W	From a point 25.5m North East of the easterly boundary of Lancashire Street	For a distance of 11m in a North-easterly direction	02/03/2009	3.07	650.1	M	TS 8am-6pm	Lancashire County Council (Lancaster Area) (On Street Parking Places, Prohibition and Restriction of Waiting) Consolidation Order 2009

Appendix P

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE OPERATOR LICENCES

CONDITIONS OF LICENCE

A Licensing Administration

A1

The private hire 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:
- 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

A2

The private hire operator shall:

- If sub-contracting work to a private hire operator not licensed with Lancaster City Council, must have regard to the standards in place by both licensing authorities and take steps to ensure Lancaster's licensing standards are not undermined by the subcontracting (Example, has the driver got good topographical knowledge of the Lancaster area)

A3

The private hire operator shall:

- Notify the Licensing office in writing (email will suffice) of any change of address within seven days of such change taking place.

A4

The private hire operator shall:

- For the duration of the licence, the Licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

A5

The private hire operator shall:

- Ensure that adequate training is provided to staff (paid or unpaid) on:
 1. Licensing Law,
 2. Complaints,
 3. Safeguarding Policies
 4. How and when to accept bookings.

This training must be undertaken within one month of the commencement of these conditions or employment and thereafter, at least every two years. The Operator must keep a documented record of the aforementioned training which has been signed by the operator and the member of staff.

A6

The private hire operator shall:

- Co-operate fully with any authorised officers in respect of any enquiries or investigations carried out relating to drivers or vehicles connected to the business or formerly connected to the business.
- Co-operate fully with authorised officers in the business of the private hire operator respect of any investigations or inspections regarding.

A7

- a. The private hire operator shall:

Not allocate any bookings to any driver or vehicle without having a copy of the current driver/ vehicle licence on file. (i.e. they shall not allocate any bookings to a driver/ vehicle licence holder whose licence has expired).

- b. The private hire operator shall:

Inform the Licensing office in writing (email will suffice) if they are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this the operator must give the name of the person that will be responsible for running of the business on their behalf.

A8

The private hire operator shall:

- Adopt, implement, review and update a data protection policy and in doing so must ensure that any personal information obtained during the course of the business is stored securely. Access to the information must be restricted to persons who will use it for the purpose for which it has been collected.

A9

The private hire operator shall:

- Submit to the Licensing Office for approval company door signs compliant with the signage requirements detailed in the taxi policy.
- The door signs shall provide details of the private hire name and contact telephone number, and display information as required by the council's taxi licensing policy in respect of pre-booking requirements.
- Only door signs approved by the City Council can be displayed on licensed vehicles.

A10

The private hire operator shall:

- Adopt, implement, review and update its documented equality policy which details how the operator will comply with its requirements under the Equality Act 2010 including disability awareness and the carrying of assistance animals.

B Taking and Recording of Bookings**B1**

The private hire operator shall record the following information in respect of each booking:

- Time and date booking received
- Name and contact details (phone number or address) of person making the booking
- How the booking was made e.g. Telephone/Online etc.
- Time of pick up
- Location of pick up
- Specific destination
- ID of dispatched driver (i.e. name /call sign)
- ID of dispatched vehicle (Licence/fleet number)
- ID of person taking booking (excludes electronic bookings)
- Any special requirements e.g. wheelchair accessible/child seats/ luggage
- Details of any subcontracting to or from another PHO
- Any fare quoted at time of booking, if requested by the person making the booking.
- Detail any subcontracting arrangements to or from another private hire operator.

B2

A private hire operator shall:

- Advise a customer if the booking is being subcontracted to another operator and if so will provide the name of the sub contracted operator who will be undertaking the booking.

B3

A private hire operator shall:

- ensure that booking records are:
 - a. Available for immediate inspection by an authorised officer
 - b. Able to be printed onto paper or downloaded in an electronic format
 - c. Continuous and chronological
 - d. Not capable of retrospective alteration or amendment
 - e. Kept as one set of records. Cash and credit account bookings can be separately identified but must not be in separate sets of records.
 - f. Are clear, intelligible, and retained for a minimum of 12 months from the date of the last entry

B4

The private hire operator shall ensure:

- the use of a driver who holds a PCV licence and the use of a public service vehicle such as a minibus to undertake a private hire vehicle booking will not be permitted without the informed consent of the person making the booking
- Where a PSV is to be utilised for a booking the person making the booking should be advised that the driver has not been subject to an enhanced DBS check. No such notification is required if the PSV driver is also a Lancaster licensed private hire/ hackney carriage driver

C Records Required (Other than Booking Information)

C1

The private hire operator shall:

- keep detailed, up to date, records of every vehicle operated by him (whether li-censed as private hire or hackney carriage) The records must include:
 - a. Name and home address of the vehicle licence holder
 - b. A copy of the current vehicle licence including expiry date
 - c. The date the vehicle was first used by the PHO to fulfil bookings and the date the PHO ceased using the vehicle to fulfil bookings (where applicable)
 - d. The vehicle registration number
 - e. A list of unique radio/call sign allocated to the driver and vehicle have a system in place to ensure that no vehicle is operated when the licence or insurance has expired
- have a system in place to ensure that no vehicle is operated when the licence or insurance has expired

C2

The private hire operator shall:

- keep detailed, up to date, records of every driver operated by him (whether licensed as private hire or hackney carriage) The records must include:
 - a. Name and home address of the driver
 - b. The dates the driver commenced fulfilling bookings from the PHO and the date the driver ceased taking bookings from the PHO (where applicable).
 - c. A copy of the driver's current private hire or hackney carriage driver licence including the expiry date of that licence.
- have a system in place to ensure that driver is allocated any work once the driver's licence has expired

C3

The private hire operator shall:

- Adopt, implement review and update a Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints, the following are specific requirements in relation to the handling of complaints.

The private hire operator shall:

1. Record in writing or digitally every complaint received against its service (including any driver/ vehicle complaints) and details of the outcome of the complaint/ action taken including details of the licence holder(s) identified as the subject of the complaint.
2. Investigate the complaints and provide a response to the complainant outlining the findings of the investigation and any action taken.
3. Where the operator has concerns regarding the conduct of a licence holder or a pat-tern of complaints, this should be notified to the licensing office by email and a copy of the email kept in the complaints record.

4. Where a complaint has not been resolved 14 days after receipt. The operator shall within the next 7 days (following the 14 days) notify the Licensing office in writing (email will suffice) of the complaint and the findings outcome of the investigation.
5. Take additional action as required by licence condition c4 in respect of complaints that fall within the category listed in respect of C4.

C4

The private hire operator shall:

- notify the Council immediately by email (or in any case within 24 hours) of any complaints, police enquiries or notification of convictions involving any driver that is registered to carry out bookings for the operator which relates to matters of a sexual nature, dishonesty, indecency, violence or threats of violence, equality or drugs, serious motoring offences.
- In accordance with the above requirement provide at the time of any such notification to the council the identity of the driver involved and the nature of the complaint/enquiry including the complainant's details. This notification to the Council must take place regardless of whether the operator ceases any contractual arrangement with the driver.

C5

The private hire operator shall:

- Provide a copy of the complaints record every six months to the Licensing Office. This shall be in the form of a copy of the complaint log required as per licence condition C3 detailing all complaints received, licence holders identified as the subject of the complaint and action taken. The report should be provided no later than one month after the end of the reporting period.

C6

The private hire operator shall:

- Keep a written record (manual or digital) of lost property that is handed to him by drivers or passengers. The record must include the date the item is handed to the Operator, details of where it was found and a description of the property, and if it was claimed claimant contact details. The log must always be available for inspection by an Authorised Officer and any information entered onto the record must be kept for a period of 12 months from the date of entry.
- Securely store lost property for a period of 6 months, after which time it should be disposed of in a secure manner, or if appropriate donated to charitable purposes.

C7

A private hire operator shall:

- Keep all records and make them immediately available to authorised officers on request for a period of not less than 12 months following the date of last entry.

D Convictions

D1

A private hire operator shall:

- Provide a DBS basic disclosure to the Licensing office on an annual basis.

Where the applicant / private hire operator is a company or partnership each director/partner will be required to comply with the requirements of the basic disclosure de-scribed in the paragraph above.

The above requirement will not be enforced in respect of any operator who currently holds a Lancaster hackney carriage/ private hire drivers' licence.

D2

A private hire operator shall:

- Within 48 hours notify the council in writing (email will suffice) providing full details of any conviction, fixed penalty, binding over, caution, charge or arrest for any matter (whether or not charged) imposed on him/ her during the period of the licence.

E Safeguarding

E1

The private hire operator shall:

- require all individuals working/ involved in bookings and or dispatching vehicles or having contact with private hire users (paid/ unpaid) for the business to provide the operator with a basic DBS disclosure dated within 1 month of the start date of employment/ placement in the operator premises.
- require existing individuals working/ involved in bookings and or dispatching vehicle or having contact with private hire users (paid or unpaid) for the business to provide the operator with a basic DBS disclosure without delay and in any event within 1 month of the date of grant of this licence.

E2

The private hire operator shall:

- training provided in respect of safeguarding
- have a documented safeguarding policy in place that details
- how to report matters of concern regarding safeguarding
- recruitment and suitability policy on employing/ volunteers who are ex-offenders and consideration of matters detailed in a DBS
- whistleblowing policy

The policy shall be implemented, reviewed and updated as necessary.

E3

The private hire operator shall:

- keep up to date records of all individuals working/ involved in any capacity (paid or unpaid) for the business as follows:
- Full Name
- Address
- Date of Birth
- Contact Details (Phone and Email)
- DBS issue date and certificate number (in respect of persons falling within the definition of condition E1 above)
- Start and finish dates of employment
- Job Title

F Premises and Equipment

F1

The private hire 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. 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.
 - b. Ensure that any waiting area provided by the operator has adequate seating facilities.
 - c. Ensure re that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

F2

The private hire operator shall:

- Ensure all reasonable precautions are to be taken to ensure that activities within the Operator's office and from licensed vehicles do not create a nuisance to others.

F3

The private hire operator shall:

- Shall obtain and maintain in force at all times a public liability insurance policy in respect of his/her premises to which the public have access and produce the same to an authorised officer on request.

F4

- Where the private hire operator has premises to which the public have access, they shall display the following at their premises at all times:
 - a. A copy of the current Operator Licence.
 - b. A schedule of fares.
 - c. Information provided by the Licensing office in respect of passenger information
 - d. A copy of the public liability insurance policy certificate.

The above shall be displayed in a prominent position, where the public have access and, where it can be easily read.

- If the Operator has a website and/or uses Application based technology to attract bookings, the notices listed above must also be available to view on the relevant website.

Appendix Q

Details of Hackney Carriage and Private Hire related Offences and Maximum Penalties

1. Details the current fines (as at February 2021) for each level of the standard fine scale.

Level	Maximum Fine
1	£200
2	£500
3	£1,000
4	£2,500
5	Unlimited

2. Offences under the Town Police Clauses Act 1847

These offences relate to hackney carriage drivers/ vehicles, but do not include private hire.

Section	Offence	Maximum Penalty
40	Giving false information on application for HC proprietor's licence	Level 1
44	Failure to notify change of address of HC proprietor	Level 1
45	Plying for hire without a HC proprietor licence	Level 4
47	Driving a HC without a HC driver's licence	Level 3
47	Lending or parting with a HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure by HC proprietor to hold HC driver's licence	Level 1
48	Failure by HC proprietor to produce HC driver's licence	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 month imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying other person than the hirer without consent	Level 1
60	Driving a HC without proprietor's consent	Level 1
60	Person allowing another to drive a HC without proprietor's consent	Level 1
61	Drunken driving of hackney carriage	Level 1
61	Furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving hackney carriage unattended	Level 1
64	HC driver obstructing other HCs	Level 1

3. Offences under Local Government (Miscellaneous Provisions) Act 1976 – hackney carriage provisions

Section	Offence	Maximum Penalty
49	Failure to notify transfer of HC proprietor's licence	Level 3 (by virtue of s 76)
50(1)	Failure to present HC for inspection as required	Level 3 (by virtue of s76)
50(2)	Failure to inform LA where HC is stored if requested	Level 3 (by virtue of s76)
50(3)	Failure of proprietor to report an accident to LA	Level 3 (by virtue of s76)
50(4)	Failure to produce HC proprietor's licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce HC driver's licence	Level 3 (by virtue of s76)
53A(9)	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons	Level 3 and daily penalty of £10 for each day of non-compliance after conviction
57	Making false statement of withholding information to obtain HC driver's licence	Level 3 (by virtue of s 76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence.	Level 3 plus daily fine £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s 76)
64	Permitting any vehicle other than HC to wait on a HC stand	Level 3 (by virtue of s 76)
66	Charging more than the meter fare when HC used as a private hire vehicle	Level 3 (by virtue of s 76)
67	Charging more than the metre fare when HC used as a private hire vehicle	Level 3 (by virtue of s 76)
71	Interfering with a taximeter	Level 3 (by virtue of s 76)
73 (1)(a)	Obstruction of authorised officer or constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3 (by virtue of s 76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3 (by virtue of a s 76)

4. Offences Local Government (Miscellaneous Provisions) Act 1976- private hire provisions

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH vehicle	Level 3 (by virtue of s 76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of a 76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver	Level 3 (by virtue of s 76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3 (by virtue of s 76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3 (by virtue of s 76)
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver	Level 3 (by virtue of s 76)
48(6)	Failure to display PH vehicle plate	Level 3 (by virtue of s 76)
49	Failure to notify transfer of PH vehicle licence	Level 3 (by virtue of s 76)
50(1)	Failure to present PH vehicle for inspection as required	Level 3 (by virtue of s 76)
50(2)	Failure to inform LA where PH vehicle is stored if requested	Level 3 (by virtue of s 76)
50(3)	Failure to report an accident to LA	Level 3 (by virtue of s 76)
50(4)	Failure to produce PH vehicle licence and insurance certificate	Level 3 (by virtue of s 76)
53(3)	Failure to produce PH driver's licence	Level 3 (by virtue of s 76)

Section	Offence	Maximum Penalty
53(A)9	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons	Level 3 and daily penalty of £10 for each day of non-compliance after conviction
54(2)	Failure to wear PH driver's badge	Level 3 (by virtue of s 76)
55ZA(8)	Failure to return operator's licence after ceasing to be in force for immigration reasons	Level 3 and daily penalty of £10 for each day of non-compliance after conviction
55(B)	Subcontracting PH Operator knowing that the subcontractor will use and unlicensed vehicle or driver	Level 3 (by virtue of s 76)
56(2)	Failure by PH operator to keep records of bookings	Level 3 (by virtue of s 76)
56(3)	Failure by PH operator to keep records of PH vehicles operated by him	Level 3 (by virtue of s 76)
56(4)	Failure to produce PH Operator's licence on request	Level 3 (by virtue of s 76)
57	Making false statement or withholding information to obtain PH driver's or operator's licence	Level 3 (by virtue of s 76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3 (by virtue of s 76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s 76)
69	Unnecessarily prolonging a journey	Level 3 (by virtue of s 76)
71	Interfering with a taximeter	Level 3 (by virtue of s 76)
73(1)(a)	Obstruction of authorised officer or constable	Level 3 (by virtue of s 76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3 (by virtue of s 76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3 (by virtue of s 76)

5. Offences Transport Act 1980 - private hire provisions

Section	Offence	Maximum Penalty
Section 64(2)(a)	Driving a PH vehicle with a roof sign which contravenes section 64(1)	Level 3
Section (2)(b)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes section 64(1)	Level 3

6. Offences - Hackney Carriage Byelaws

Byelaw	Offence	Maximum Penalty
Each individual byelaw	Failure to comply with a byelaw	Level 2

The above tables have been reproduced from Chapter 6 Button on Taxis Licensing Law and Practice, Fourth Edition.

Application Requirement	Reason for Adoption	Options to Streamline	Risks	Other Comments
Right to Work Documents	Legal Requirement	Not Applicable	N/A	X
Fully Completed Application Form	To collate personal information Statutory declaration on convictions, driving endorsements	Not Applicable Digitalisation Possible.	N/A	X
2 x Passport Photos	Identification purposes – to be included on badge issued.	Not Applicable	N/A	X
Full Driving Licence – held for 2 years DVLA Check Code	Legal Requirement To check status of driving licence, for endorsements	Not Applicable	N/A	X
An Overseas Check/Certificate of Good Conduct	Legal Requirement	Not Applicable	N/A	X
Licence Fee	To recover the cost of administration and issuing of licence	Not Applicable Subject to Annual Review	N/A	X
DVLA Group 2 Medical Examination	To assess medical fitness of applicants against a higher standard (similar to bus/lorry drivers) Time restricted to ensure most up to date assessment is considered upon application	Not Applicable Currently applicants can use own GP or a private practice, as long as practitioner has access to full medical records/summary	N/A	Standardised across Lancashire and Cumbria

<p>Practical Driving Test Certificate</p>	<p>Professional driving assessment, to ensure applicant has an understanding of the Highway Code and drives at a professional standard.</p>	<p>To remove the requirement – satisfied that a full driving licence, clear of endorsements is enough to prove fitness to drive professionally.</p>	<p>Applicants may have held a licence a number of years prior to applying for a licence, assessment prior to licensing gives reassurance that the applicant is of standard at the time of Licensing.</p> <p>Driving professionally is different to driving day-to-day.</p>	<p>A number of Local Authorities do not require a professional driving test as part of their application.</p>
<p>Enhanced DBS Certificate</p> <p>Update Service Reference</p>	<p>To make a check relevant to the profession as to the criminal convictions/cautions or status of an individual.</p> <p>To enable the Licensing Authority to check the status of a DBS at any time.</p> <p>In maintaining the subscription allows for a swift renewal</p>	<p>To engage with a third party to facilitate DBS certificates and ID checks.</p> <p>It will come at an extra cost that will be passed to the applicant, but it will could speed up turnaround of certificate.</p> <p>Update Service – Not applicable, requirement must remain.</p>	<p>The cost to drivers must be balanced with the benefit of a swifter turnaround.</p> <p>It would require resources to source provider and set-up service agreement.</p> <p>Majority of providers are online; applicants would be responsible for their own DBS and ID checks.</p> <p>The Licensing Authority could not assist with tracking or completing check.</p>	<p>Standardised across Lancashire and Cumbria</p>
<p>Btech Qualification or equivalent.</p>	<p>Local providers, tailor-made 8 modules of learning and assessment.</p>	<p>To remove the requirement to undertake a qualification prior or post licensing.</p>	<p>Applicants would not be aware of legal requirements prior to licensing, the modules cover a variety of</p>	<p>Only Preston and Lancaster require a formal qualification.</p>

<p>Knowledge Test and Safeguarding Presentation and Questions</p>	<p>To aide understanding of relevant legislation and standards specific to the role.</p> <p>To assess local knowledge, in terms of legal requirements, conditions of licence, geography and disability awareness.</p> <p>To ensure drivers know their responsibilities, signs to spot, referral details etc.</p>	<p>To introduce a requirement that the training is to be completed within 12 months of Licensing.</p> <p>Not Applicable – Requirement must remain prior to Licensing.</p>	<p>topics and exams used to check understanding. It may lead to increased complaints, investigations and prosecutions.</p> <p>Drivers may be reluctant to complete the qualification whilst employed (4-day course)</p> <p>Currently facilitated by LMC and fees built in to training course fees. To split this requirement would require significant time and resources as the training/tests and presentation would need to be completed in-house.</p> <p>This would need to be costed, which would need to be met by the applicant.</p>	<p>All require Safeguarding training and the majority a knowledge test.</p>
---	--	---	---	---

*HMRC, NR3 and DBS Checks Undertaken

Application Standards – Lancashire and Cumbria

	DBS Certificate	Medical Examination	Training	Driving Test/Assessment	Other Requirements	Comments
Lancaster	Enhanced/Update Service Licensing Authority completes ID check	Group 2 Standards (D4 Form)	Btech Qualification or equivalent Knowledge Test and Safeguarding	Blue Lamp Trust/LTS or equivalent	x	x
Allerdale (Cumberland)	Enhanced/Update Service Third party completes ID check	In-house Form Unclear on Standards applied	Knowledge Test	Green Penny		Entirely Online (2-week lead time)
Barrow (Westmorland and Furness)	Enhanced/Update Service Licensing Authority completes ID check	Group 2 Standards In-house Form	Knowledge and Conditions Assessment & CSE Training Certificate	Approved test providers Diamond/Blue Lamp	x	Online Applications via login
Burnley	Enhanced/Update Service Unclear who completes	Group 2 Standards In-house Form	Safeguarding Awareness Training Face-to-Face Safer Cabbying (Knowledge) tests	No Driving Assessment	x	x
Blackburn	Enhanced/Update Service Code provided – Post Office check ID	Group 2 Standards In-house Form	Safeguarding Awareness Training English Proficiency Assessment Driver Training and Knowledge Test	Diamond	x	Entirely Online
Carlisle	Enhanced/Update Service	Group 2 Standards (D4 Form)	Knowledge, Safeguarding and	Approved Taxi Test	x	x

Application Standards – Lancashire and Cumbria

(Cumberland)	Licensing Authority completes ID check		Disability Awareness Language Test			
Chorley	Enhanced/Update Service Third party completes ID check	Group 2 Standards (D4 Form)	Knowledge Test Basic English Assessment	Blue Lamp/Diamond/Green Penny	X	x
Eden (Westmorland and Furness)	Enhanced/Update Service Unclear who completes	Group 2 Standards In-house Form	Knowledge Test	Blue Lamp	x	x
Fylde	Enhanced/Update Service Licensing Authority completes ID check	Group 2 Standards In-house Forms	Safeguarding and Knowledge Test	Not Required	x	x
Hyndburn	Enhanced/Update Service Licensing Authority completes ID check	Group 2 Standards In-house Forms	Knowledge Test Safeguarding and Disability Awareness via Blue Lamp Trust	Not Required	x	x
Pendle	Enhanced/Update Service Third party completes ID check	Group 2 Standards D4/In-house Forms	Knowledge Test Safeguarding/CSE Training	Not Required	x	Operates a Penalty Points System
Preston	Enhanced/Update Service Third party completes ID check	Group 2 Standards In-house Form	Knowledge Test English and Maths Test Btech Qulaification	Not Required	x	x

Application Standards – Lancashire and Cumbria

Ribble Valley	Enhanced DBS	Group 2 Standards In-house Form	Knowledge Test	Steering for Success	x	x
Rosendale BC	Enhanced/Update Service Third party completes ID check	Group 2 Standards (D4 Form)	Knowledge and Conditions Test	Practical Driving Test Mitchells Driving School Blue Lamp Trust Taxi Driving Solutions PSM Driving School	x	x
South Lakeland (Westmorland and Furness)	Enhanced/Update Service Licensing Authority completes ID check	Group 2 Standards (D4 Form)	Knowledge Test	Lancaster Training Services	x	x
South Ribble	Enhanced/Update Service Third party completes ID check	Group 2 Standards In-house Form	Knowledge and CSE Test	Not Required	x	x
West Lancs	Enhanced/Update Service Third party completes ID check	Group 2 Standards In-house Form	Knowledge and Safeguarding Test	Not Required	x	x
Wyre	Enhanced/Update Service Third party completes ID check	Group 2 Standards (D4 Form)	Knowledge Test	Not Required	x	x

LICENSING COMMITTEE**Revised Statement of Licensing Policy (2023-2028)
(Consultation Draft)****7 September 2023****Report of Licensing Manager****PURPOSE OF REPORT**

To introduce members of Licensing Committee to a draft of the Council's Statement of Licensing Policy (2023-2028) prior to undertaking the statutory consultation.

This report is public.

RECOMMENDATIONS

(1) **That the content of the report is noted.**

1.0 Introduction

1.1 Section 5 of the Licensing Act 2003 (requires that a licensing authority publish a Statement of Licensing Policy for a five-year period. Lancaster City Council's Statement of Licensing Policy 'expired' in January 2021.

1.2 The Covid-19 pandemic impacted the Council's ability to consult with relevant bodies under section 5(3) of the Licensing Act 2003. Furthermore, resources and department priorities have not allowed for the completion of the review of the Policy, until now.

2.0 Proposal Details

2.1 The draft attached at **Appendix 1** has been prepared in accordance with the provisions of the Licensing Act and Guidance issued by Secretary of State for Culture Media and Sport under Section 182 of the Act (currently dated August 2023). The Licensing Authority is therefore, bound by the Act, any regulations made under it, and the Section 182 Guidance.

3.0 Details of Consultation

3.1 For the purpose of reviewing the Policy, in accordance with the requirements of the Act, Lancaster City Council will consult with:

- Lancashire Constabulary
- Lancashire Fire and Rescue Service
- Representatives of existing holders of premises and personal licences

- Representatives of existing holders of club premises certificates
- Local businesses and their representatives
- Local residents and their representatives
- Lancashire Public Health

3.2 As part of the consultation process, letters will be sent to all licence holders, and other stakeholders, with a request for responses by **Monday 30th October 2023** (7-weeks).

Copies of the draft policy will be placed on the Licensing pages of the Lancaster City Council website, additionally, hard copies will be available at the Town Halls in Morecambe and Lancaster.

Any responses to the public consultation will be considered by Licensing Committee, prior to approval by Full Council.

4.0 Options

4.1 The report is for noting.

4.2 Members are welcome to provide verbal feedback as part of today's meeting or via the formal consultation period.

5.0 Conclusion

5.1 Lancaster City Council must review, update and publish its Statement of Licensing Policy every 5 years. A thorough review has been undertaken and a draft policy prepared for public consultation. The consultation period will last 7-weeks, responses will be considered by Licensing Committee at its November meeting prior to the policy being approved by Full Council.

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

The draft policy is subject to statutory consultation; licence holders, local businesses and stakeholders, as well as responsible authorities will be notified of the draft and comments are welcome.

LEGAL IMPLICATIONS

Section 5 of the Licensing Act 2003 requires that a Licensing Authority publish a Statement of Licensing Policy for a five-year period, although current policy expired in January 2021 it has been used as a basis for decision-making since that time.

The draft policy sets out the general approach of how the Licensing Authority will determine applications made under the Licensing Act 2003 for the next 5 years, the policy will be kept under review and changes made as required during that period.

FINANCIAL IMPLICATIONS

None Identified.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None Identified.

SECTION 151 OFFICER'S COMMENTS

None.

MONITORING OFFICER'S COMMENTS

None.

BACKGROUND PAPERS

Contact Officer: Jennifer Curtis
Telephone: 01524 582732
Email: jcurtis@lancaster.gov.uk
Ref: Sept2023

Lancaster City Council

Statement of Licensing Policy

2023-2027

Insert Pictures of City/Coast/Countryside etc

Author: XXX

Document Name: Statement of Licensing Policy 2023 - 2028

Approved by Full Council:

Effective Date:

Date due for review: January 2028

Responsible for review: Licensing Manager

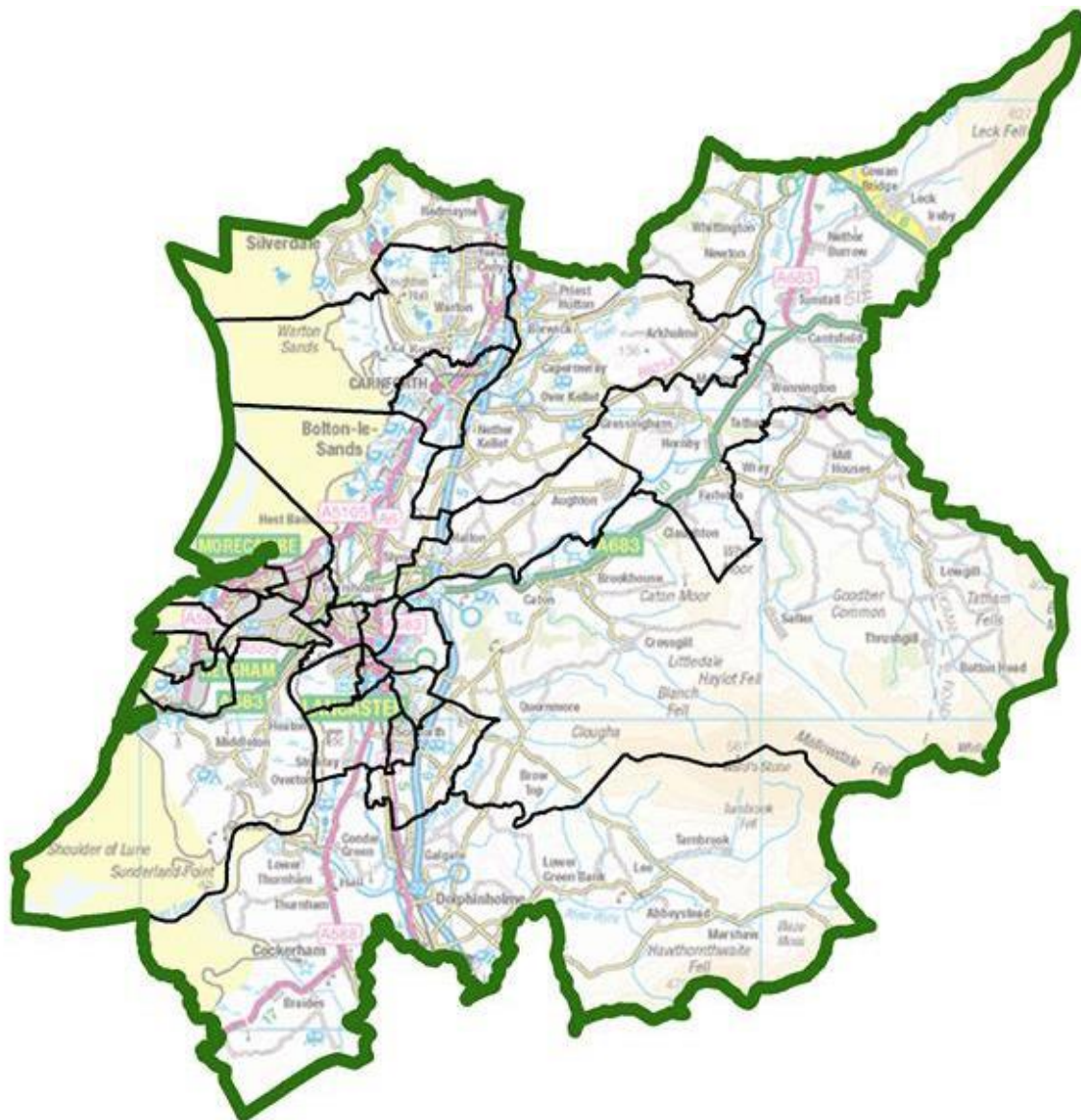
Contents Page

District Map and Summary

x

x

District Map and Summary



The Lancaster district is one of 12 local authority areas in Lancashire and is the most northerly within the County. The district shares its borders with both Cumbria and Yorkshire. Lancaster City Council covers the historic University City of Lancaster, the coastal resort of Morecambe, the town of Carnforth as well as the surrounding rural areas.

The premises within the district that are required to be licensed are many and varied, catering for diverse tastes and consumer demands. Several open-air events and festivals take place annually in the district further enhancing the offer of cultural activities.

The Licensing Authority recognises that the entertainment, hospitality and leisure industry within its authority area is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities, and is a major employer.

1.0 INTRODUCTION

1.1 BACKGROUND

1.1.1 Lancaster City Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the 2003 Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment within the district: -

- premises licences including provisional statements, full and minor variations, transfers, interim authorities, and reviews
- club premises certificates
- temporary event notices
- personal licences

1.1.2 The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy before the Authority can carry out any licensing or regulatory functions under the terms of the Licensing Act 2003. This Policy must be kept under review and the Licensing Authority may make any revisions to it, as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years, the previous policy ran from 2016 – 2021.

1.1.3 This Licensing Policy sets out the issues that the Licensing Authority will consider when determining licences throughout the district and encompasses experience gained in the implementation and regulation of the Licensing Act 2003.

1.1.4 In determining this Policy the Licensing Authority has had regard to the Guidance issued under Section 182 of the Licensing Act 2003. In determining applications under the 2003 Act the Licensing Authority shall consider: -

- the promotion of the four licensing objectives
- representations and evidence presented by all parties, together with any relevant supporting documentation
- the latest guidance issued by the government
- the licensing authority's own Statement of Licensing Policy

1.2 AIM

1.2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions to promote the four licensing objectives.

1.2.2 The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are: -

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

1.2.3 These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

1.3 PURPOSE

1.3.1 The main purpose of this Policy is to provide clarity to applicants, other persons and Responsible Authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment. As the 'vicinity' test has now been removed, the Licensing Authority will consider all representations from any person however, the Licensing Authority shall apportion the weight of the representation between those persons immediately affected by the premises and its operation and those persons who may have a lack of knowledge of the area or of personal experience.

1.3.2 Where revisions are made to the Guidance there may be a period when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.

1.4 CONSULTATION

1.4.1 Before determining its policy for any five-year period, the Licensing Authority will consult the following: -

- the Chief Officer of Police
- the Fire and Rescue Authority
- the Director of Public Health
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the district

The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals as appropriate.

1.5 FUNDAMENTAL PRINCIPLES

1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the 2003 Act. Nothing in the Policy will undermine the right of any individual to apply for authorisations and to have any such application considered on its individual merits. Similarly, nothing in the Policy will override the right of any person to make representations on an application or to seek a review of a Licence or Certificate in accordance with the provisions of the 2003 Act.

1.5.2 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The applicant must give due consideration to disabled persons under this Act for access and egress so that they are not at a substantial disadvantage.

1.5.3 The introduction of the Policing & Crime Act 2009 extends Police closure powers. The Licensing Authority further acknowledges and supports that this legislation has been introduced against the background of increasing alcohol-related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents. This Act signifies a shift back from deregulation towards offering greater support for communities being adversely affected.

1.5.4 The Licensing Authority may recommend actions over and above the requirements of a licence/certificate and applicants are asked to give these recommendations serious consideration, as

adoption of best practice may be considered in the investigation of complaints if they arise in connection with the premises in the future.

1.5.5 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations and only if a Licensing Committee or Licensing Sub-Committee determines the matter. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.

1.5.6 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.

1.5.7 Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of disturbance to later in the night; therefore, the Licensing Authority acknowledges that tighter control may be justified in residential areas always however having regard to the individual merits of any application.

1.5.8 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the Licensing Objectives.

1.5.9 Once people are beyond the control of the individual, club or business holding the relevant authorisation, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the district.

1.5.10 The Licensing Authority expects every licence holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. Whether or not incidents can be regarded as being in the vicinity of the licensed premises is recognised as a question of fact and will depend on the specific circumstances in each case. In cases of dispute, the question will ultimately be decided by the courts, where an appeal is heard by them. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

1.5.11 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues. For example, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a well-managed public house located in a quiet back street that provides limited regulated entertainment and closes at 11pm.

2.0 GENERAL PRINCIPLES

2.1 LEGISLATION

2.1.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including: - **(List all legislation referred to throughout policy)**

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998, with regard being given to Article 6, Article 8 and Article 1 of the first Protocol
- Equalities Act 2010
- Policing & Crime Act 2009
- Business and Planning Act 2020

2.1.2 In all applications relating to premises, applicants should specify methods by which they will promote the four Licensing Objectives in their operating schedules.

2.2 REVISIONS TO POLICY

2.2.1 The Policy shall be subject to periodic reviews and further consultation as and when required. The Licensing Authority may revise this Policy following changes to, for example: -

- Local circumstances;
- The Licensing Act, associated regulations or statutory guidance;
- Other national legislation; or
- The policies and practices of a Responsible Authority

2.3 AREAS OF CONCERN

2.3.1 Specific areas of concern include: -

- Sales of alcohol to under 18s, directly and by-proxy
- Noise nuisance caused by regulated entertainment
- Nuisance caused by hot-food take-aways, particularly parking of delivery vehicles
- Dispersal of patrons from licensed premises
- Drink and needle spiking
- Sexual harassment and violence towards women and girls
- Detailed door security operating procedures and risk assessments

2.3.2 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they will approach the areas of concern highlighted. Including how they will prevent the sale of alcohol to minors, what measures are implemented by the premises to minimise any reports of noise nuisance caused by regulated entertainment, to manage the threat of spiking in their premises, policies on how reports of violence or sexual harassment of women will be handled by the premises, How the premises will disperse customers, minimising the impact on local residents and parking provision for delivery-drivers operating for late night refreshment venues.

2.3.3 Experience indicates that a last time of entry condition assists in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will detail in their operating schedules that there will be no new entry or re-entry to the premises after 1am.

2.4 CHILDREN

2.4.1 The 2003 Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which: -

- a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.

2.4.2 The Licensing Authority's policy is that the Responsible Authority in relation to the protection of children from harm is Lancashire County Council, Children's Safeguarding team.

2.4.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification (BBFC), or in specific cases where such certificates have not been granted, the Licensing Authority.

2.4.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to impose different age restrictions on admittance to film exhibitions from those imposed by BBFC classifications.

2.4.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published at the venue.

2.4.6 The Licensing Authority shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee but the Licensing Authority shall expect that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

2.4.7 However, the following are examples of issues that are likely to raise concern: -

- Where entertainment or services of an adult or sexual nature are common thereby likely to undermine the licensing objectives;
- Where relevant premises are known to allow unaccompanied children;
- Where the applicant has described in the Operating Schedule that 'no adult or similar entertainment shall take place on the premises' but intends to hold an event liable to compromise the protection of children from harm licensing objective;
- Where there has been early indication and subsequent evidence of poor management of the premises leading to undermining of the licensing objectives;
- Where the premises have a known association with drug taking or dealing;
- Where the current staff have received convictions or cautions for serving alcohol to minors or where the premises has a reputation for underage drinking or failures in test purchasing;
- Where there is a strong element of gambling on the premises;
- Where there is likely to be underage events with the intention of selling or exposing alcohol for sale or where the intention is to permit adults to this event;

- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

2.4.8 Examples of entertainment likely to cause concern are entertainment or services of an adult or sexual nature including topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or entertainment involving strong or offensive language.

2.4.9 This Licensing Authority strongly advises that where music and alcohol sales are the main reasons for the event taking place, that persons under 18 years are not admitted unless the organisers have extremely robust procedures for ensuring those under 18 years do not have access to any alcohol – this includes sales, proxy sales, and bringing it onto the event.

2.4.10 Where there are events solely provided for young people, for example an Under 18's disco in a nightclub or similar relevant premises, the Licensing Authority strongly advises that adequate and sufficient measures are put in place so that young people cannot gain access to alcohol or energy drinks and further that no alcohol is served to any supervising adults at such events. The management of the premises should also ensure that measures are taken to prevent alcohol being brought onto those premises.

2.4.11 In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this Licensing Objective and highlight any adult entertainment or services, etc. that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to take to promote this Objective but does state that 'no adult or similar entertainment shall take place on the premise', the Licensing Authority shall consider this restriction to be a condition on the Licence/certificate from the publication of this Policy.

2.5 LICENSING HOURS

2.4.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.

2.5.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the Licensing Objectives. Specifically, the applicant should ensure that the operating schedule for such premises demonstrates how the Licensing Objectives will be met. This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.

2.5.3 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns in relation to later closing hours.

2.5.4 The Licensing Authority will pay special regard to the proximity of residential properties to the proposed premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential properties.

2.5.5 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for licensable activities.

2.5.6 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

2.6 LATE NIGHT LEVIES (LNL) AND EARLY MORNING RESTRICTION ORDERS (EMRO'S) LATE NIGHT LEVIES

2.6.1 The Police Reform and Social Responsibility Act 2011 (the PRSRA) has introduced the power for the Licensing Authority to charge a late-night levy to all premises within the Lancaster City Council District. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the district that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy. The decision to introduce, vary or cease the levy will be made by Full Council in conjunction with the Police and Crime Commissioner and Lancashire Constabulary. However, any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.

2.6.2 The Licensing Authority recognises that this levy would cover the whole of the district and not just those premises that are causing problems or those premises within the cumulative impact area. Therefore, serious consideration would be given to the introduction of the levy in light of this. Furthermore, the Licensing Authority would give serious consideration as to whether or not the levy is a viable proposal.

EARLY MORNING RESTRICTION ORDERS (EMRO)

2.6.3 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

2.6.4 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

2.6.5 The licensing authority will review the need for an EMRO at least every five years in line with the review of this policy to see if circumstances have changed and any are needed. In addition to the review each five years the licensing authority may consider an EMRO at any time if circumstances changed and evidence supported this course of action. No area of the District is covered by an EMRO at present.

2.6.6 As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority will first consider whether other measures may address the problems and achieve the same goal. These could include: -

- Taking a robust multi-agency approach to tackling problem premises;
- Prior to reviewing a licence/certificate, meeting with the DPS and licence/certificate holder to ensure a Premises Improvement Plan.
- Using other mechanisms to control the cumulative impact, e.g. planning controls;
- Using other mechanisms to control noise and anti-social behaviour;
- Police powers to closure premises;

- Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Provision of CCTV;
- Provision of night marshals and street pastors;
- Introduction of a late-night levy.

The above is not an exhaustive list of possible measures.

2.7 LATE NIGHT REFRESHMENT

2.7.1 The Licensing Authority will expect applicants for licences in respect of late-night refreshment premises to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter and noise disturbance.

2.7.2 Where appropriate, and, in line with the Public Nuisance and Public Safety Licensing Objectives, the Licensing Authority may recommend that applicants display their company name on containers and packaging; this will enable the Licensing Authority to identify any premises causing concern.

2.7.3 The Licensing Authority expects that any premises providing late night refreshment will have a responsible policy for regularly clearing litter from outside their premises and for 25 metres along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. Such Policy could also include the display of notices advising customers to use the bins provided. In addition, where there is evidence that grease and food, etc. has emanated from the premises, the Licensing Authority recommends that the highway in the vicinity of the premises is swilled or scrubbed so as not to attract seagulls, pigeons and vermin. The Licensing Authority recommends that all such inspections and action taken be recorded in the Premises Log Book.

2.7.4 Where an applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to ensure the prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises. Existing premises that seek to provide an alcohol delivery service are expected to notify the Licensing Authority that they are operating such a service setting out specific measures they intend to take to promote the licensing objectives.

2.7.5 The Authority has considered the relaxation of controls suggested through the Deregulation Act 2015 and has decided that it would not be appropriate to do so. There is no evidence base to suggest that such action would be beneficial to local residents.

3.0 LICENSING APPROACH

3.1 PARTNERSHIP WORKING

3.1.1 The Council recognises that Licensing functions under the 2003 Act are not the only means of promoting the principles behind the Licensing Objectives. Delivery includes working with Planning, Environmental Health, the Police, the Fire Authority, the Crime Reduction Partnerships, Town Councils, Pubwatch, local businesses and residents, Lancashire County Council, transport operators and those involved with child protection.

3.1.2 The Council recognises that co-operation across services within the Council and with our external partners remains the best means of promoting the Licensing Objectives.

3.1.3 The Licensing Authority seeks to encourage and support the night-time economy by providing a vibrant and safe town centre experience. It shall work closely with the Responsible Authorities to promote the Licensing Objectives, including the licensed trade, local people and businesses. The Licensing Authority will continue to work closely as part of these groups to promote the common objectives and shall recognise its duty under Section 17 of The Crime and Disorder Act 1998 when carrying out its functions under the 2003 Act. In addition, the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as the National Alcohol Harm Reduction Strategy and any other relevant strategies and policies.

3.1.4 The Licensing Authority recognises that the private sector, local residents and community groups in particular have a vital role to play in promoting the licensing objectives. The Licensing Authority shall work closely with other enforcement agencies in the management of the nighttime economy, particularly relating to the tackling of underage sales and proxy sales of alcohol and drunkenness or disorder on or in the immediate vicinity of the licensed premises.

3.2 CUMULATIVE IMPACT POLICY

3.2.1 A cumulative impact policy creates a rebuttable presumption that applications within a particular area of the District for new premises licences or club premises certificates or material variations thereto will normally be refused if relevant representations are received about the cumulative impact on the four licensing objectives.

3.2.2 The Licensing Authority will review the need for a special policy on cumulative impact at least every five years in line with the review of this policy to see if circumstances have changed and one is needed.

3.2.3 In addition to the review each five years the Licensing Authority may consider a special policy on cumulative impact at any time if circumstances changed and evidence supported this course of action.

3.2.4 No area of the District is currently covered by a special policy on cumulative impact.

3.3. LOCAL STRATEGIES AND POLICIES

3.3.1 Where appropriate, the Committee will take into account local strategies and policies. These will include: -

- Community Alcohol Partnership (CAP)
- Community Safety Partnership (CSP)
- XXX
- XXX

3.4 INTEGRATING STRATEGIES

3.4.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.

3.4.2 Where appropriate, the Licensing Authority will also have regard to:

- local crime prevention strategies;
- needs of the local tourist economy;

- employment situation in the area and the need for new investment and employment where appropriate;
- needs of the local community
- the duty on Public Authorities to eliminate unlawful discrimination;
- the policy on cumulative impact.

3.5 AVOIDING DUPLICATION

3.5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for sufficiently in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable activities and in such cases tailored conditions may be necessary but only if relevant representations are received.

3.5.2 The Licensing Authority recognises that in accordance with Section 43 of the Regulatory Reform (Fire Safety) Order 2005, any conditions imposed by the Licensing Authority that relate to any requirements on prohibitions that are or could be imposed by that Order, shall have no effect. The Licensing Authority shall therefore not seek to impose fire safety conditions where the Order applies.

3.5.3 In much the same way, the Indecent Displays Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall therefore not seek to impose conditions concerning such displays inside or outside the premises. The existing laws governing indecency and obscenity are adequate to control adult entertainment of this nature. However, the Licensing Authority shall, if it considers necessary in certain premises, consider attaching conditions following a hearing addressing the exclusion of minors.

3.5.4 Non-compliance with other statutory requirements may be considered in reaching a decision about whether or not to grant or vary a licence but only if relevant representations are received.

3.5.5 The Licensing Authority recognises that the existence of planning permission, building regulation approval or pavement licences must be properly separated from licensing applications to avoid duplication and inefficiency. Similarly, the existence of a Premises Licence shall not prejudice the consideration of any planning, building regulation approval or pavement licence applications. However, the Licensing Authority shall expect applicants to have obtained the appropriate consents or licences prior to operation.

3.5.6 Where premises have not obtained such consents or licences, they will be liable to enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time to ensure that they are not in breach. Premises operating in breach of their Planning Permission or their premises licence/certificate may be liable to enforcement action by the Planning Authority or the Licensing Authority as appropriate.

3.6 REPRESENTATIONS

3.6.1 Under the 2003 Act both Responsible Authorities and 'other persons' may make representations on licence/certificate applications and review existing premises licences/certificates.

3.6.2 Other persons are defined as any individual, body or business that may be affected by the operation of a licensed premise regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition, the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general. The representation should also detail how the granting of the application is likely to affect the person making it.

3.6.3 The Licensing Authority will however consider the geographical location of the other person who has made the representation in their consideration of their evidence.

3.6.4 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. If appropriate, the benefit of the doubt will be given to the person or body making that representation.

3.7 CONDITIONS

3.7.1 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.

3.7.2 In addition conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall not seek to manage the behaviour of customers once they are beyond the direct management of the licence/certificate holder and their staff.

3.7.3 The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be: -

- Targeted on the deterrence and prevention of crime and disorder
- Appropriate for the promotion of the licensing objectives;
- Proportionate and enforceable;
- Consistent and not conflicting;
- Relevant, clear and concise;
- Not duplicating other legislation; and
- Expressed in plain language capable of being understood by those expected to comply with them.

3.7.4 The Licensing Authority when preparing the licences/certificates will replicate the wording from an applicant's Operating Schedule, it is therefore recommended that applicants seek suggested condition wording from this policy by way of model conditions (amended as appropriate) or from the relevant responsible authorities.

3.8 ENFORCEMENT

3.8.1 The Licensing Authority has adopted a Licensing Enforcement Policy, available on the Council's web site.

3.8.2 Enforcement action will be: -

- Targeted toward those premises presenting the highest risk;
- Proportional to the nature and seriousness of the risk those premises present;
- Consistent, so that the Licensing Authority takes similar approaches in similar situations;
- Transparent, so those who are subject to enforcement action know what to expect; and
- Accountable, so that the Licensing Authority and its officers take responsibility for their actions.

3.8.3 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the 2003 Act and any licence conditions. It will also monitor the District for unlicensed activities that may or may not require authorisation.

3.8.4 The Licensing Authority has established protocols with Lancashire Police Authority, Lancashire County Council Trading Standards and Lancashire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of Police and Council Officers. Where official warnings are given prior to any decision to prosecute for an offence, the Licensing Authority shall ensure that these enforcement authorities are informed of these warnings and the result of any action taken.

3.8.5 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will also carry out whenever possible unscheduled 'non routine' evening inspections with Lancashire Constabulary. After each visit, the Designated Premises Supervisor and Premises Licence Holder shall be notified of any concerns and be given an opportunity to rectify any issues.

3.8.6 The Licensing Authority recognises that most Licence Holders seek to comply with the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly action will be taken.

3.8.7 The Licensing Authority may seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premise Improvement Plan where appropriate.

3.8.8 Where the premise does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Responsible Authority or Licensing Authority can consider further sanctions, either by way of a review, formal caution or prosecution. In any event, the Licensing Authority will have regard to the Regulators' Compliance Code and the Council's Licensing Enforcement Policy.

3.8.9 Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted. Inspections shall be carried out in accordance with the principles of risk assessment and targeting problem premises.

3.8.10 In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed.

Notices for reviews shall be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.

3.8.11 Any decision to instigate legal proceedings will take account of principles set out in the Licensing Enforcement Policy.

3.9 COMPLAINTS AGAINST LICENSED PREMISES

3.9.1 Complainants are advised, whenever possible, in the first instance to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for complaints to be raised directly. In such circumstances, complaints in the first instance should be addressed to the most appropriate body. For example, crime and disorder related issues should be raised with the Police.

3.9.2 All noise-related complaints are investigated by the Council's Environmental Protection Service and complaints regarding unlicensed activities and operating outside the permitted hours are investigated by the Licensing Team. There will be collaboration between the two teams to assist in reaching effective and appropriate outcomes for noise related matters.

3.9.3 On receipt of a complaint, the Authority shall investigate the circumstances, discussing the complaint with the Designated Premises Supervisor of the licensed premises, the Premises Licence Holder, any Relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any legal action.

3.9.4 The Licensing Manager is responsible for considering complaints in the context of this Policy and will determine whether or not it is a relevant complaint. They will authorise suitably qualified officers to discharge enforcement duties as appropriate to their seniority, professional qualifications and/or experience in order to resolve any complaint.

3.9.5 Where there is a serious complaint, the Licensing Manager shall ensure that it is investigated, and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the Licensing Enforcement Policy available on the Council's web site.

3.9.6 The Licensing Authority recognises that this Policy and the promotion of the Licensing Objectives relies on partnership between all the parties. Therefore, where there are any concerns identified at the premises, or there is need for improvement, the Licensing Authority shall work closely with the parties at an early stage to address these concerns.

3.10 LIVE MUSIC, DANCING AND THEATRE

3.10.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and in particular for children and young people.

3.10.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

3.10.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit.

4.0 ADMINISTRATIVE ISSUES

4.0.1 As the Regulations require advertising of all new and variation applications, the Licensing Authority recommends that the applicant contact them prior to displaying the statutory notice or advertising the application in a local paper circulating in the vicinity of the premises. This will ensure that an accurate consultation date will be given which will avoid any errors and the potential of a breach of the regulations that would result in the application being rejected or delayed.

4.1 PREMISES LICENCE

4.1.1 The Premises Licence application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence. It should include information that is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.

4.1.2 It is recommended that applicants liaise with neighbours and/or any relevant community group such as a local residents association, or other such groups, as may be appropriate prior to submitting an application.

4.1.3 The Licensing Authority especially recommends that applicants liaise with the Relevant Authorities prior to submitting their applications, e.g. Police or Fire Authority, when compiling their Operating Schedules and the local Pubwatch if one operates in that area.

4.1.4 In completing their Operating Schedule the Licensing Authority suggests the applicant considers the following: -

General

- Premises log book
- Management and staff training and awareness of duties under the 2003 Act
- Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc.
- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- Frequency of glass bottle disposal and provision of secure storage before collection
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti drink spiking device
- Policy for reporting of sexual harassment/violence towards women
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan Public Safety

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises
- Patrolling of premises
- Glass clearance policy
- Control of ventilation
- Control of litter immediately outside the premises
- The presence of trained first aiders and appropriate & sufficient first aid kits
- Adequate external lighting
- Consideration of the safety of performers appearing at any premises
- Indoor sporting events: medical practitioner; flame retardant material, location of public to wrestling ring; water sports events – lifeguards
- Stewards for events and event plan; and regard to standards of the National Sporting Body
- Ensuring appropriate access for emergency services

Prevention of Public Nuisance

- Control of general noise, disturbance, light, odour, litter and anti-social behaviour
- Whilst regulated entertainment taking place, management of noise disturbance
- Control of litter (e.g. cigarette ends, rubbish, etc.), vomiting, urinating and anti-social behaviour in the vicinity of the premises
- Dispersal policy to ensure customers respect their neighbours
- Removal of persons causing disturbance
- Management of outside areas, e.g. pub gardens, smokers, etc.
- Control of deliveries in early hours
- Queuing policy
- Winding down period

Protection of Children from Harm

- Refusals book
- Consideration of access to premises where adult entertainment may take place
- Consideration to proximity of premises to schools and youth clubs
- Restriction on hours when children under a specified age can be present and whether they should be accompanied by a responsible adult
- Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children
- Challenge 21 or 25 policy
- Prompting mechanism on tills at retail outlets
- Measures to control access to hotel minibars
- Operational measures to avoid proxy purchases
- How to prevent children from being exposed to alcohol sales at underage events, gambling, incidents of violence and disorder and drugs or drug taking
- Consideration of safeguarding issues
- Consideration of children as performers where relevant

- Supervision of children
- Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, DBS checks, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premise safely, etc.

These lists are not exhaustive, and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

4.2 GARAGES

4.2.1 With regard to the licensing of garages, and/or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing Authority will use the court's approach based on intensity of use, to establish primary use. Where such applications are submitted, the Licensing Authority will expect sufficient relevant evidence to accompany the application form to prove the issue of primary use.

4.3 MOBILE PREMISES

4.3.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The Operating Schedule must indicate the specific pitch from where trading is to take place.

4.3.2 As this type of premises is likely to cause people to congregate, the Licensing Authority shall expect applicants to demonstrate specific measures to prevent Crime and Disorder and Public Nuisance. In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of and that the licensee has adopted a Litter Policy as set out above.

4.4 TEMPORARY EVENT NOTICES

4.4.1 The 2003 Act states that the premises user must give the Licensing Authority a minimum of 10 working days notice for a standard temporary event notice and between 5 and 9 working days for a late temporary event notice. The 'working day' requirement means that the day of receipt of the notice, Saturdays or Sundays, Bank Holidays, or the day of the event are not included as a working day.

4.4.2 Premises users are advised to submit their TENS well before the date of the event (ideally 28 days beforehand), using our online service. When serving TENS in a hard copy format, the premises user must serve the notice on the Licensing Authority, Lancashire Police and the "local authority exercising environmental health functions" ("EHA") at the same time to avoid a situation where one of the bodies does not receive their copy within the statutory timescale, which could mean that the event cannot proceed even if the other bodies have received their copy in time.

4.4.3 It is a legal requirement for all organisers to carry out Health and Safety and Fire Safety Risk Assessments with regards to their event. Guidance on how to conduct such risk assessments may be obtained from the relevant enforcing authority. The Licensing Authority may notify the Fire Authority of any TENS submitted so that they can offer advice to event organisers if necessary. Members of any relevant Event Safety Advisory Group may also be notified of any TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from

the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.

4.4.4 Those intending to serve a TEN are strongly advised to consider whether their proposals should be considered by a Event Safety Advisory Group (ESAG) and ensure they follow the advice given, this is particularly relevant for small scale festivals and/ events that take place over more than 1 day.

4.4.5 Finally, the Authority strongly recommends that premises users address the following issues: -

- Applicants are strongly advised to consider and mitigate the potential impact in terms of public nuisance, i.e. noise, vehicle parking of attendees, traffic.
- Seek relevant professional advice on public liability insurance.
- Seek relevant professional advice on noise, public safety, sanitation, food hygiene, health & safety and fire safety matters.
- Liaise with local residents and businesses that may be affected by the event, to raise awareness of the nature and duration of the event.
- Seek relevant professional advice on medical provision.
- Ensure that the event site and environs are maintained free of litter to a reasonable extent during an event and completely cleared following an event. This includes the removal of all advertising material used to promote events, within a reasonable period.
- Consider the conditions attached to a Premises Licence or Club Premises Certificate and manage the event in accordance with such conditions, where appropriate. (This is to mitigate the potential for adverse impacts on the promotion of the Licensing Objectives and/or complaints).

4.4.6 Payments for temporary event notice(s) are made upon application and are non-refundable.

4.5 PERSONAL LICENCES & EXEMPTION OF THE REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR

4.5.1 The Licensing Authority places particular emphasis on the role of Designated Premises Supervisors (DPS) and Premise Licence Holder and where the Police object on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.5.2 The Licensing Authority advises that it is good practice for the Personal Licence Holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the DPS and Personal Licence Holder may authorise sales in their absence, they remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises. Any authorisations should be meaningful and properly managed.

4.5.3 Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore

not involved in the day-to-day running of that premise; the Licensing Authority will therefore pay particular attention to those premises.

4.5.4 Whilst the Licensing Authority recognises that a DPS may supervise more than one premise, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.

4.5.5 Experience has indicated that a number of Personal Licence Holders have failed to produce their Personal Licence to the court in accordance with Section 128 of the 2003 Act. In view of this the Licensing Authority will take appropriate action against those who continue to fail to notify the courts and/or provide notification of their change of address in accordance with their statutory duty.

EXEMPTION OF THE REQUIREMENT FOR A DPS

4.5.6 Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be required to set out how the premise is managed, its committee structure and how the supervision of alcohol sales is conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee's composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.

4.6 LARGE SCALE EVENTS

4.6.1 Lancaster and the surrounding area is a popular location for a wide range of cultural and entertainment events, these range from village days to small scale one-day events and weekend festivals.

4.6.2 Such events can involve considerable and complex planning and management. This involves a high level of competency from those involved with organising and managing such events.

4.6.3 The Authority is aware of the potential for varied and extreme impacts on the promotion of the Licensing Objectives, where such events take place. Organisers of such events are advised to contact the Licensing Team in the planning stages to discuss the event and application.

4.6.4 The Authority has a general statutory duty under section 4 of the 2003 Act to promote the Licensing Objectives. The legislation does not refer to the special circumstances and sometimes very different issues that can be relevant to these types of application. However, the Authority has taken all reasonable endeavours to balance the demands and aspirations of the event industry against the

protection of the local communities and the attendees that may be adversely affected by or at such events.

The Authority believes that the risk associated with large scale events can only be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule that is specific to the proposed event.

4.6.5 The enforcement policies of the Council may be significantly undermined by the short duration and potentially occasional nature of these events. This is because the Council's graduated response to problems arising may not be as effective in responding to these issues on an occasional and irregular basis, particularly with different event organisers.

4.6.6 Sites for large occasional events are not usually entirely purpose built for the proposed licensable activities to take place. Therefore, there is considerable work involved in planning and organising these events. The Authority believes that this is only achievable by ongoing involvement of the Authority and Responsible Authorities in dealing with such events, as far as is reasonable and appropriate.

4.6.7 It is clear that Responsible Authorities (and sometimes Other Persons) may often engage with applicants prior to submission of an application. This notion is referred to in the Statutory Guidance, as it promotes the Licensing Objectives by fostering a partnership approach; and is supported by the Authority (where appropriate), but with an additional caveat.

4.6.8 Applicants are expected to rely most heavily on their own competence and knowledge or that of persons/ bodies that they employ in making their plans. They cannot and should not rely on the input of the Responsible Authorities to ensure that detailed and comprehensive plans for their event are produced.

The demands on the Responsible Authorities can be disproportionate to their resources, This might place undue pressure on such bodies, undermining the level of scrutiny of such applications. It must be considered that the legal responsibilities connected to holding such events primarily rest with the event organiser and landowner.

4.7 SUSTAINABLE EVENT MANAGEMENT

4.7.1 Events can impact heavily on our resources, society, and the environment, as they can generate significant waste, put a strain on local resources like water or energy, and generate large volumes of traffic. It is, therefore, important that event organisers are taking the right steps to integrate sustainability into their event management and ensure that they are organised responsibly. As such, the Council encourages event organisers to take the necessary steps to develop proposals that are conscious of the Council's Climate Emergency Commitments, by way of demonstrating what steps will be taken to ensure the environmental impacts of the event are kept to a minimum.

4.7.2 It is highly recommended that event organisers consider the following points:

- Banning single use plastic glasses/cups in the bars and look to use reusable receptacles.
- Encourage non fossil fuel powered events, including any caterers.
- Alcohol sourced from local brewers/suppliers to keep bars with a lower carbon footprint.
- High recycling rates, a target of 70% plus, which could be evidenced from weighbridge tickets provided by recycling transfer stations.

4.8 EVENT SAFETY ADVISORY GROUPS (ESAGS)

4.8.1 The Authority acknowledges the benefits of working closely with Responsible Authorities and other statutory bodies in supporting event organisers in operating safe and well managed events. Event Safety Advisory Groups or 'multi agency meetings' are one means of promoting such partnership working.

4.8.2 The Authority will facilitate and host such meetings from time to time to assist applicants and those organising events that do not require an authorisation under the 2003 Act, where appropriate.

4.8.3 All applicants should consider whether to attend such a meeting before they apply, as failure to do so could undermine the promotion of Licensing Objectives.

4.9 REVIEWS OF LICENCE OR CLUB PREMISES CERTIFICATE

4.9.1 The Licensing Act 2003 details that where a premises licence or club premises certificate has effect, a Responsible Authority or other person may apply to the relevant Licensing Authority for a review of the licence. Nothing in this Policy shall restrict their right to apply for a review of a licence or make relevant representations in accordance with the 2003 Act, however the Licensing Authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a Responsible Authority, that the ground is frivolous or vexatious, or the ground is a repetition.

4.9.2 Where a person or body is considering making an application for a review, they are advised to contact the Licensing Team. This is so that Officers may provide some initial feedback on the matter and then, if appropriate, attempt to facilitate a meeting or a series of meetings between relevant persons and bodies to consider alternative solutions and/or discuss the review process.

4.9.3 Applicants should make all reasonable efforts to set out their concerns regarding an authorisation concisely and clearly and ensure that these concerns are relevant to a failure to promote the Licensing Objectives.

4.9.4 Examples of triggers for a review may be:

- continual complaints of noise from or in the vicinity of the premises;
- continual complaints of noise or intimidation from customers outside the premises;
- an accumulation of breaches of licensing conditions;
- poor management where the licensing objectives are undermined;
- underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour;
- sales of alcohol outside of the permitted hours, etc.

4.9.5 The Licensing Authority shall expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. Regarding reviews on noise complaints, applicants are encouraged to liaise with the Council's Environmental Protection Service who may be able to assist with and support the review process.

4.9.6 Prior to a review, however, Lancashire Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a Premises Improvement Plan.

4.10 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

4.10.1 The Council has a Licensing Committee, consisting of 10 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a Statement of Licensing Policy.

4.10.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to Sub-Committees and officers.

4.10.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence, these matters should be dealt with by officers.

4.10.4 The table attached at Appendix X sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

4.10.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

4.10.6 Members of the Licensing Committee will comply with the Lancaster City Council Code of Conduct for Councillors and will declare any personal or prejudicial interest in any matter coming before them in accordance with the Code. Members with a prejudicial interest will have the opportunity to speak as any member of the public (i.e. only where they make relevant representations) is permitted but will withdraw from the room in which the meeting is being held immediately after speaking and will not seek to improperly influence the decision.

4.10.7 Members of the Licensing Committee who make representations on behalf of any Other Person or in their own right as a member of the Licensing Authority will not sit on any hearing or Sub-Committee making any decision in relation to the matter in question, nor take any other part in the decision-making process.

4.10.8 Members will not sit on any Sub-Committee dealing with a matter in relation to premises in his or her ward, or any person living in that Ward.

If you wish to make comments on this Licensing Policy or if you want further information regarding the Licensing Act 2003 please contact: -

The Licensing Department

Morecambe Town Hall

Marine Road Central

Morecambe

Lancashire

LA4 4 AF

Telephone: 01524 582033

Email: licensing@lancaster.gov.uk

The Licensing Act 2003 can be viewed at: -

[Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The Statutory Guidance can be found at: -

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Lancaster City Council website: -

[Home - Lancaster City Council](#)

Event Safety Advisory Group: -

[Event safety - Lancaster City Council](#)

Events on Council Land, Guidance and Application Procedures: -

[Events on council land - Lancaster City Council](#)

Lancaster City Council's Pavement Licence Policy and Application Procedures: -

[Pavement licences - Lancaster City Council](#)

Appendices

Appendix 1 – Responsible Authorities Contact List Inc Email/Postal

Appendix 2 – Model Conditions

- General
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Appendix 3 – Scheme of Delegation