



**Committee:** LICENSING COMMITTEE  
**Date:** THURSDAY, 27 JUNE 2024  
**Venue:** MORECAMBE TOWN HALL  
**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

To receive as a correct record the Minutes of meeting held on 6<sup>th</sup> June 2024 (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**

5. **Private Hire and Hackney Carriage Licensing Policy - Review and Updates** (Pages 3 - 147)

Report of the Licensing Manager

6. **Pavement Licence Policy (Business and Planning Act 2020)** (Pages 148 - 190)

Report of the Licensing Manager

Published 25<sup>th</sup> June 2024

7. **Chairs of Licensing Sub-Committees** (Pages 191 - 192)

Report of the Licensing Manager

8. **Taxi and Private Hire Working Group - Appointment** (Pages 193 - 195)

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, Tim Hamilton-Cox, John Hanson and Paul Tynan

**(ii) Queries regarding this Agenda**

Please contact Sarah Moorghen, Democratic Support - email [smoorghen@lancaster.gov.uk](mailto:smoorghen@lancaster.gov.uk).

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

Please contact Democratic Support, telephone 582000, or alternatively email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

MARK DAVIES,  
CHIEF EXECUTIVE,  
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Published on 19<sup>th</sup> June 2024.

<b>LICENSING COMMITTEE</b>
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## Private Hire and Hackney Carriage Licensing Policy – Review and Updates

**27 June 2024**

### Report of Licensing Manager

<b>PURPOSE OF REPORT</b>
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<p>The Private Hire and Hackney Carriage Licensing Policy was introduced on 1 April 2022, as the policy has been in place for 2 years it is necessary to update and review its content. Furthermore, members are required to address some of the feedback from the local licensed trade and/or Licensing Service following implementation of the standards contained in the policy.</p>
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<b>This report is public.</b>
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#### RECOMMENDATIONS

- (1) **That members of Licensing Committee consider the updates required in the report and authorise the Licensing Manager to make necessary changes to content/wording.**
- (2) **Consider the options set out in the report and determine the changes required highlighted in the policy.**

#### 1.0 Introduction

- 1.1 Members may recall that in July 2020, the Department for Transport (DfT) published its “Statutory Taxi and Private Hire Vehicle Standards”. These published standards are statutory standards to which local authorities must have regard. Lancaster City Council already met several requirements of the DfT standards, but other aspects of local licensing standards did require further development.
- 1.2 The need to update and develop some of the Councils licensing standards was identified in the 2020 licensing workplan. In light of the updates required and the published DfT standards it was felt necessary to consolidate existing standards, policies and procedures into one document, suitable for applicants, officers, members and the wider public. This was the first time that the Council had attempted to provide a single document containing all policies and procedures relevant to the hackney carriage and private hire licensing process.
- 1.3 Following a 12-week public consultation, members of Licensing Committee considered responses to an online questionnaire and written submissions before making a recommendation to Full Council for adoption of the final draft policy.

1.4 Since its implementation (1<sup>st</sup> April 2022) the policy has been used as a basis for all decision-making in respect of private hire and hackney carriage licensing matters. It has been an exceptional reference tool for Officers and provided a single reference document of reference and signpost for new applicants those already licensed.

1.5 The Private Hire and Hackney Carriage Licensing Policy is attached at **Appendix 1**.

## **2.0 Proposal Details**

2.1 Since implementation of the Private Hire and Hackney Carriage Licensing Policy, some application standards, processes, and legal position has changed regarding driver, vehicle and operator licensing. Furthermore, in November 2023, the Department for Transport (DfT) updated the statutory "Taxi and Private Hire Vehicle Licensing best practice guidance for Licensing Authorities in England".

The updated guidance is attached at **Appendix 2** for members attention.

2.2 In light of the updates to statutory guidance and changes to application procedures, processes, and standards, it is necessary to review the content of the policy, including re-wording of relevant sections. E.g. Disclosure and barring certificate application and interim checks are now undertaken by a third-party, the policy needs to accurately reflect the process. Additionally, due to feedback from the local licensed trade or noted by Officers some policy specifications or standards require review by elected members. E.g. Emission aspirations of licensed fleet.

2.3 The table attached at **Appendix 3** highlights the updates required in terms of amendments to wording and sets out considerations for discussion and determination by the Licensing Committee.

## **3.0 Details of Consultation**

3.1 Members may wish to obtain the views the licensed trade and/or public prior to consideration of any contentious/significant matters. It is suggested an online questionnaire would be most appropriate. It could be sent directly to all licensed drivers, vehicle proprietors and private hire operators as well as the wider public.

## **4.0 Options**

Options available to members:

- a) Consider the updates required in the report and authorise the Licensing Manager to make necessary changes to content/wording as set out in **Appendix 3**.
- b) Determine the matters as set out in **Appendix 3**, amending policy and standards as required, whilst considering feedback from the licensed trade and Licensing Manager.

## **5.0 Conclusion**

5.1 The Private Hire and Hackney Carriage Licensing Policy has been in force for 2 years. It brought together existing policies and procedures into a single document, that can be used by Officers, members and service users as a reference point for all matters in relation to private hire and hackney carriage licensing. It has been necessary to review the policy in light of updates to internal processes, application

standards and align content with updated guidance (Taxi and Private Hire Vehicle Licensing best practice guidance for Licensing Authorities in England).

5.2 Members are reminded that the content of the policy was motivated by the need to ensure that the primary and overriding objective of the Councils licensing policies in protecting the public, is promoted. When reaching decisions on matters to be determined in the licensing policy, public safety should be at the forefront of all decision-making and of paramount importance.

5.3 Members should provide full and detailed reasons for their decisions.

**CONCLUSION OF IMPACT ASSESSMENT**

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

The overriding consideration when considering policy matters in relation to taxi and private hire licensing is public safety in its widest context.

**LEGAL IMPLICATIONS**

Should any person wish to challenge any decision taken or policy matter set by the Councils Licensing Committee, their appeal rights are protected dependent on the subject matter and reasoning.

**FINANCIAL IMPLICATIONS**

None identified.

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

Not applicable.

**SECTION 151 OFFICER'S COMMENTS**

None.

**MONITORING OFFICER'S COMMENTS**

None.

**BACKGROUND PAPERS**

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**Ref:** PolicyReview2024

# 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



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# 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 licencing 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 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](http://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](http://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.

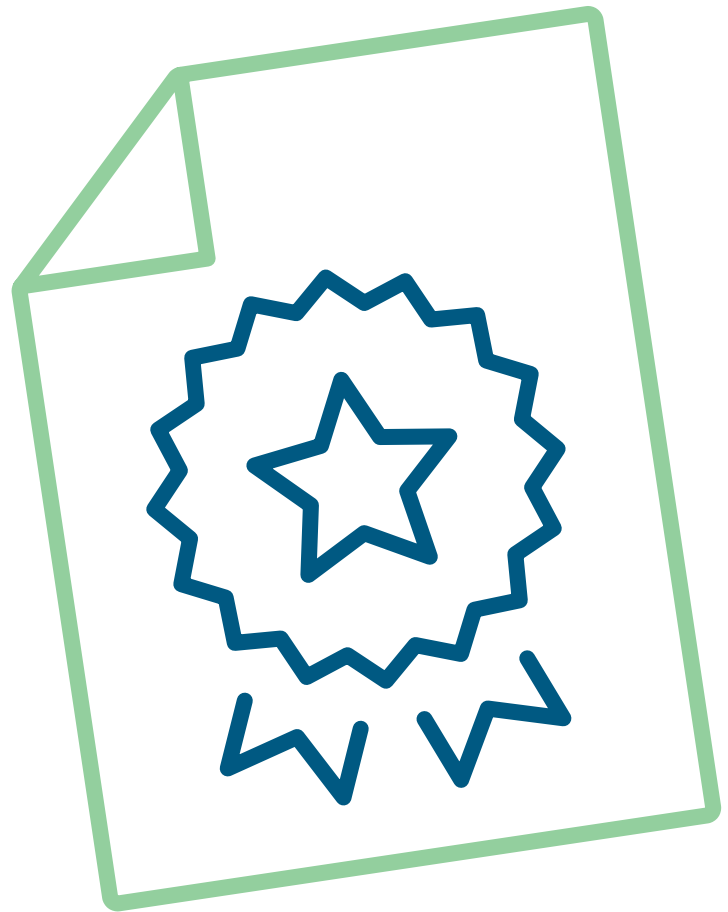
Any licensed driver who fails to produce a satisfactory medical at the appropriate time will be subject to suspension of the licence until the necessary medical certificate is produced.

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**.

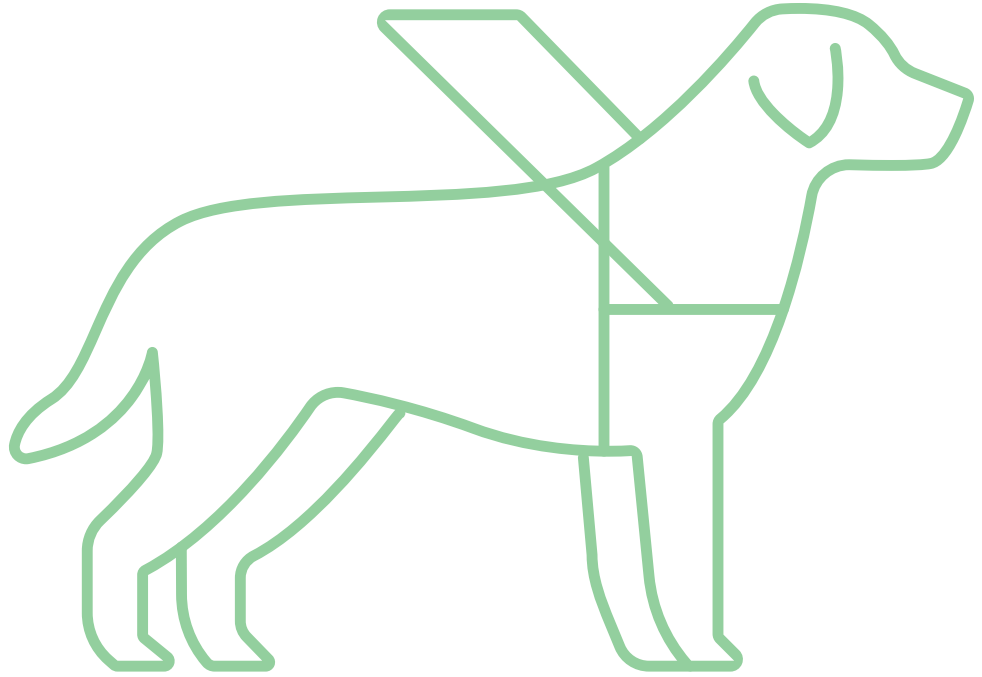
The Council will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

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 generally 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 has 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 the 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 Council's 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](http://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](mailto: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](mailto: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.



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# 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](mailto: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](mailto: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](mailto: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 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.



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[Department  
for Transport](#)

Guidance

# Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England

Updated 17 November 2023

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# 1. Introduction

## 1.1 Background

The Department for Transport has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. This is updated periodically, considering stakeholder views and changes in the way the sector operates. This best practice guidance is one of [a number of documents intended to assist the operation and regulation of the sector](https://www.gov.uk/government/collections/licensing-of-taxis-and-phvs-for-local-authorities-in-england) (<https://www.gov.uk/government/collections/licensing-of-taxis-and-phvs-for-local-authorities-in-england>). The objective of the government is to work with licensing authorities to promote the regulation of the sector in a way that enables the provision of safe, accessible, available, and affordable services that meet the wide range of passenger needs by a thriving trade.

In 2020 the government issued, for the first time, [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) to safeguard the most vulnerable in society. The [Policing and Crime Act 2017](https://www.legislation.gov.uk/ukpga/2017/3/section/177/enacted) (<https://www.legislation.gov.uk/ukpga/2017/3/section/177/enacted>) enabled the Secretary of State to issue these to licensing authorities; though the focus was on the use of their powers to protect children and vulnerable adults over 18 from harm, the measures will increase the safety of all passengers. Licensing authorities must give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures. This non-statutory best practice guidance complements the statutory standards, covering a range of issues outside the remit of the statutory standards.

Individual licensing authorities are still responsible for deciding their own policies and making decisions on individual licensing matters applying the relevant law and any other relevant considerations. This guidance is primarily intended to assist licensing authorities, but it is only guidance and does not intend to give a definitive statement of the law; any decisions made by an authority remain a matter for that authority.

The [Local Government Association's Councillors' Handbook on taxi and private hire vehicle licensing](https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021) (<https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021>) advises that those responsible for licensing should communicate regularly with their counterparts in neighbouring authorities to ensure critical information is shared and decision-making is consistent and robust. By working together, local government can make sure that this vital service is safe, respected, and that it meets the needs of all those in their local communities.

This guidance links to relevant documents that licensing authorities may find useful to share with local partners (for example, taxi or private hire vehicle providers).

This version of the best practice guidance replaces all previous versions and will be subject to revision when necessary.

## 1.2 Terminology

Vehicles licensed under section 37 of the Town Polices Clauses Act 1847 and section 6 of the Metropolitan Carriage Act 1869 are referred to in that legislation as 'hackney carriages'. This term is also used in older regulations. In more recent legislation the term 'taxi' is used.

In this document 'taxi' means vehicles licensed under the aforementioned sections of the above acts only. It does not include private hire vehicles (PHVs).

Vehicles licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976, section 7 of the Private Hire Vehicles (London) Act 1998 and section 5 of the Plymouth City Act 1975 are often referred to as 'minicabs', 'cabs' and even 'taxis'. The term 'private hire vehicle' is used in aforementioned sections of the above acts and so is used throughout this guidance to refer to all such vehicles.

Private hire vehicles include executive cars, chauffeur services, limousines and some school and day centre transport services. One of the overarching objectives of this guidance is to provide greater distinction for the public between taxis and PHVs so that the public is increasingly aware of this. Licensing authorities should adopt this approach in its communications.

## 1.3 Scope of the best practice guidance

This guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance. This document will be reviewed and updated when necessary and other specific issues may be added should the need arise. The law on taxi and private hire vehicle licensing contains many complexities which are beyond the scope of this guidance.

The guidance does not purport to give a definitive statement of the law and any decision made by a licensing authority remains a matter for that authority. Licensing authorities will need to seek their own legal advice on issues that are

particularly relevant to them. The department is not responsible for interpreting the law – that is a matter for the courts.

The personal safety of passengers is critical. The government has clearly set out measures that licensing authorities should take to safeguard passengers in the [Statutory Taxi and Private Hire Vehicle Standards](#) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>). This guidance seeks to reinforce that message by highlighting other measures that should be considered to assist the sector to deliver the range of services the public demand.

Licensing authorities have to consider a range of vehicles and services in the context of private hire vehicle licensing. The department has produced [guidance to assist licensing authorities in deciding which vehicles and services require licensing under the private hire vehicle regime and which fall outside the private hire vehicle definition](#) (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note>). The guidance sets out the key principles and characteristics which the department considers define a private hire service.

The guidance on whether services might require a private hire vehicle licence stresses that it remains for licensing authorities to make decisions in the first instance and that, ultimately, the courts are responsible for interpreting the law.

## 2. The role of taxis and private hire vehicles

Taxis and private hire vehicles play a vital part in local transport, connecting residents to the local economy and in enabling businesses and residents to reach wider transport networks. All social groups use taxis and private hire vehicles. Groups that use them the most are low-income young women, amongst whom car ownership is low, and those with mobility difficulties.

The taxi and private hire vehicle sector is entirely demand-led. Though these services are most often associated with journeys for leisure, social and business purposes, they are an important part of the transport network. As discussed in [section 14 of this guidance](#), they should be considered as part of local transport planning.

Taxis and private hire vehicle services reduce the need for private car ownership, enable key workers to commute when other modes are unavailable, provide door-to-door transport for those that are not able to travel via other modes and assist in meeting the needs for home-to-school transport provision. Taxis and private hire vehicles have a particularly important role in the night-time economy getting people home safely late at night.

## 3. The role of licensing authorities

As stated in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) issued by the department to licensing authorities, the primary and overriding objective of licensing must be to protect the public. Licensing authorities should also be aware that, as well as ensuring taxi and private hire vehicle services are safe, the public have a reasonable expectation that the services available will be accessible and affordable.

It is for licensing authorities to ensure that their licensing policy and requirements are proportionate, so that passengers can choose from a wide range of safe services. As indicated above, the primary function of the licensing regime is public safety; however, an unduly stringent regime on other issues may restrict the supply of taxi and private hire vehicle services by putting up the cost of operation, or otherwise restricting entry to the trade. Licensing authorities should recognise that too restrictive an approach can be counter-productive, restricting the licensed trade to such an extent that the public resort to the use of unlicensed, unvetted and uninsured drivers and vehicles.

### [Section 17 of the Crime and Disorder Act 1998](https://www.legislation.gov.uk/ukpga/1998/37/section/17)

<https://www.legislation.gov.uk/ukpga/1998/37/section/17>) requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce crime. Licensing authorities routinely do this by setting licensing requirements that protect passengers, but this duty also extends to considering ways that licensing requirements and policies can reduce crime against drivers. It is the case that drivers are subjected to robbery, verbal and physical assault, this can be racially motivated or aggravated. Licensing authorities must consider ways to protect those working in the trade as well as those that use its services.

Licensing authorities are required under the [Public Sector Equality Duty](https://www.gov.uk/government/publications/public-sector-equality-duty) (<https://www.gov.uk/government/publications/public-sector-equality-duty>) to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not. It is beyond the scope of this document to identify actions which would demonstrate compliance with this duty, and ultimately only a court can do so definitively. We would however suggest that authorities:

- maintain a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the duty
- consider how they can actively promote equality, such as by consulting regularly with users, planning strategically to provide services which meet their needs, and by prioritising actions which seek to eliminate discrimination or barriers to equal access

- consider how to demonstrate the consideration given in a manner which promotes public awareness of the authority's inclusive approach to service support and provision

Disability is a protected characteristic under the Equality Act 2010, and disabled people may face particular barriers accessing taxi and private hire vehicle services if authorities fail to regulate services inclusively and to uphold the rights of affected passengers. In our view, an inclusive service accessible to disabled people is one where:

- there are sufficient vehicles meeting disabled people's access needs, to allow them to travel as easily, between the same locations and at the same times, as non-disabled people
- policy decisions are informed by an accurate and up-to-date understanding of the experience and needs of disabled people with a range of visible and less visible impairments
- action is taken proactively to improve the accessibility of the services supported
- disabled people have confidence that services will meet their needs and that, if things go wrong, their concerns will be understood and investigated thoroughly
- if operators and drivers fail in their responsibilities, that appropriate enforcement action is taken to prevent its recurrence and protect other disabled passengers

### 3.1 The regulators' role

Licensing authorities are required under [section 22\(2\) of the Legislative and Regulatory Reform Act 2006](#)

(<https://www.legislation.gov.uk/ukpga/2006/51/section/22>), to have regard to the [Regulators' Code](#) (<https://www.gov.uk/government/publications/regulators-code>).

The code states that:

“ Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.”

As with other regulators, licensing authorities' interventions should be focussed on mitigating safety risks for passengers and drivers, and enabling fair competition within the trade by ensuring consistency of regulation and enforcement. Licensing authorities should actively promote inclusivity, equality

and independence for disabled people and ensure that they only issue licences to those that are fit and proper to hold one.

A need to intervene might be established through analysing complaints received or consulting with passengers and/or the trade. Licensing authorities should consider the wider impact of interventions and how they affect the delivery of safe, available, affordable and accessible services.

## 3.2 The objective of regulation and consideration of policies

When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes, as set out in the [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards), is only one way in which licensing authorities can help ensure the personal safety of passengers.

Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important.

The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This messaging can be supported by a policy that makes taxis look distinct from private hire vehicles; this is discussed further in section 8.

In addition to the safety of passengers, regulation should protect equality and enable fair competition. Once a need to intervene is established, licensing authorities should consider whether any policy changes would have unintended negative consequences that might outweigh the benefits of that policy.

For example, if a licensing authority established that the drivers they license have frequent collisions, it may set an objective to reduce these. The authority might try to address this concern by requiring all drivers to have ten years' driving experience on the basis that 'experienced drivers are safer'.

Such a requirement would however prevent an individual under the age of 27 entering the trade. This would be regardless of whether they held an advanced driving qualification. It is probable that such an individual is a safer driver than someone over 27, who passed their driving test 10 years ago but has rarely driven since. While experience is generally useful, individuals should be able to evidence that they meet the objective of the policy rather than an arbitrary criterion.



Licensing authorities should ensure that their various licensing requirements are proportionate to the risk they aim to address or the policy objective they are seeking to achieve. The cost of a requirement, in terms of its effect on the availability of transport to the public, should be at least matched by its benefit. A detailed, quantitative, cost-benefit assessment is not needed in each case, but licensing authorities are urged to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.

The Competition and Markets Authority provided [guidance to licensing authorities \(https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition\)](https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition) to consider when designing policy or regulations to assess their impact on competition and the interests of consumers. Their [competition impact assessment \(https://www.gov.uk/government/publications/competition-impact-assessment-guidelines-for-policymakers\)](https://www.gov.uk/government/publications/competition-impact-assessment-guidelines-for-policymakers) guidelines are a useful tool in this process.

The guidelines contain 4 tests which help policy makers assess whether their proposals will limit competition:

- Will the measure directly or indirectly limit the number or range of suppliers?
- Will the measure limit the ability of suppliers to compete?
- Will the measure limit suppliers' incentives to compete?
- Will the measure limit the choices and information available to consumers?

Consideration of these questions will help ensure licensing authorities are aware of the restrictions they may be introducing on competition and may encourage them to consider alternative courses of action where possible.

As well as setting licensing requirements and imposing conditions, licensing authorities may introduce byelaws to assist them in the regulation of the taxi sector. The department has provided:

- [a set of model byelaws \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance)
- [guidance on the process of making or amending byelaws \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-byelaws-guidance-and-the-byelaw-making-process\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-byelaws-guidance-and-the-byelaw-making-process)

### 3.3 Delivering licensing services

Taxi and private hire vehicle licensing is a statutory function of licensing authorities and it is important they consider how best to deliver this service in a timely and efficient manner.

Enabling those that wish to enter the trade to evidence that they meet the necessary requirements in a timely way will benefit the trade and passengers through greater choice and availability.

As an example, the statutory standards state that licensing authorities “should require taxi and private hire vehicle drivers to undertake safeguarding training”; licensing authorities should consider how this training is provided to avoid unnecessary delays to gaining a licence. This might mean providing training material (hardcopy or online) and requiring the driver to attend an assessment. There should be sufficient availability of assessment slots to enable an applicant to evidence this knowledge in a reasonable time.

During the COVID-19 pandemic, several licensing authorities did not accept new licence applications for a substantial period. Refusing to accept an application makes the licensing authority vulnerable to judicial review and reputational damage. New ways of working were implemented by many licensing authorities, including training via virtual meeting platforms, temporary measures / relaxation of licensing requirements, temporary licences, and self-declarations.

Licensing authorities should learn from the challenges presented by COVID-19 and review their contingency plans to improve the way they administer the system and make sure the statutory licensing function can continue if circumstances make ‘normal’ procedures and processes impossible.

### 3.4 Licensing fees

It is essential to a well-functioning taxi and private hire vehicle sector that those administering and enforcing the regime are well-resourced. The licensing model is intended to be self-funding through licensing fees and it is expected that licensing authorities seek to provide a well-resourced system at the lowest cost to licensees. Licensing authorities should regularly review their fees to reflect changes to costs, both increases and reductions.

### 3.5 Licensing policy

The department recommends that all licensing authorities make publicly available a cohesive policy document or single online page which complies with current accessibility guidance, including [WCAG 2.1 accessibility standard \(https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps\)](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) to Level AA as a minimum and the [Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations 2018 \(https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps\)](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps)

[apps](#)) for digital content, that brings together its key information on taxi and private hire vehicle licensing. This should include, but not be limited to:

- details on how the public can provide feedback on taxis and PHV licensees
- a 'fit and proper' person test
- licence conditions
- vehicle standards
- taxi tariffs
- licensing fees

Licensing authorities should also refer to the [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) when compiling this document.

### 3.6 Consultation at the local level

Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only all taxi and private hire vehicle licensees but also groups likely to be the trades' customers.

Examples are groups representing disabled people, chambers of commerce, organisations with a wider transport interest (for example, local transport user groups and other transport providers), women's groups, local traders, and local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.

Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas. Licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formal, councillor liaison meetings; this approach should be adopted by all authorities.

### 3.7 Changing licensing policy and requirements

Any changes in licensing requirements should be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this same need is likely to apply to those already in possession of a licence. That is not, however, to suggest that licences should be automatically revoked overnight. For example, if a vehicle specification is changed, then it is

proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle.

The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

Licensing authorities must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then they should consider doing so. Licensing authorities should record the reasons for any deviation from the policies that are in place.

## 4. Accessibility

There are around 13.9 million disabled people in the UK, representing 20% of the population, a proportion that is expected to rise as the average age of the population increases. National Statistics published in the current Family Resources Survey showed that the proportion of people in England who reported a disability was 21%. As people age, the incidence of disability increases, with 40% of over 60s and 75% of over 80s being disabled, meaning that disability will become a fact of life for an increasing number of people, which may not always appear obvious.

Disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.

The government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality.

The way in which people are disabled and the specific barriers they face may not always be obvious. Licensing authorities and providers of taxi and private hire vehicle services must therefore anticipate the needs of people whose access needs may be more apparent, such as wheelchair users and assistance dog owners, as well as those with less visible impairments, including autistic people or those with mental illness.

Every taxi and private hire vehicle passenger is an individual, each with their own unique wishes and requirements, none more than a disabled passenger

using services. It is, however, important to recognise that there are certain access barriers which will be familiar to people with similar impairments, which authorities should take time to understand.

## 4.1 Accessibility barriers

Many disabled people face physical barriers when accessing transport services. This may be because the built environment includes features which are difficult for them to use, such as steps, or it may be because vehicle designs cannot accommodate a particular size of wheelchair. Some barriers to the provision of taxi and private hire vehicle services include:

- ranks provided with inadequate space to deploy a ramp
- waiting areas lacking seating for people unable to stand for prolonged periods
- inadequate supply of wheelchair accessible vehicles to ensure that every passenger can travel when and where they want to
- vehicle designs which do not accommodate larger or heavier wheelchairs
- private hire vehicles needed to pick up passengers in large or complex car parks, such as at airports or railway stations
- street design which prevents taxis and private hire vehicles from stopping close to destinations

To mitigate these physical barriers authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [section 149 of the Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/contents\)](https://www.legislation.gov.uk/ukpga/2010/15/contents)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure, and that reasonable adjustments are made to remove barriers preventing disabled people from accessing taxi and private hire vehicle services.

Licensing authorities should also do the following:

- consult with disabled passengers regularly on their experience of using taxi and private hire vehicle services, in addition to consulting trade unions and associations representing those providing services, and ensure that their feedback informs service development
- incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.
- consider specifying that wheelchair accessible vehicles should be capable of carrying wheelchairs larger than the reference size
- work with airports, station operators and other locations where large numbers of passengers use taxi and private hire vehicle services to ensure disabled passengers can always access and exit vehicles safely and easily

- exercise discretion on application of other vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is unmet demand

## 4.2 Communication barriers

Disabled people may experience communication barriers when booking taxis or private hire vehicles or completing journeys. These may be related to a sensory impairment, such as blindness or deafness, or due to a cognitive impairment or autism. Taking time to understand the communication needs of individual passengers can make them feel more confident when using services.

Communication barriers might include:

- inability to book a taxi or private hire vehicle where using a telephone is the only option
- inability to book a taxi or private hire vehicle where the use of an app, inaccessible to visually impaired people, and those with limited or no access to technology, is the only option
- difficulty identifying the vehicle and seeking assistance from its driver
- difficulty communicating with drivers, particularly when conducted through a screen separating the driver and passenger compartments
- inability of some passengers to understand the driver and to provide information necessary for completing the journey
- inability for some passengers to read a meter (if fitted)

To mitigate these communication related barriers, authorities should take the relevant actions provided in the other sections of this guidance and ensure that:

- a range of booking methods are provided, so that people with limited access to certain forms of technology or communication can request a PHV
- operators should identify a passenger's accessibility needs prior to taking a booking, to ensure an appropriate vehicle is provided.
- information provided in hard copy in vehicles and in public places (such as libraries or private hire vehicle offices) is also readily available in alternative accessible formats, including large print, Braille, and Easy Read
- authority websites, including any pages relating to the taxi and private hire vehicle services and procedures for providing feedback and making complaints, comply with current [accessibility guidance](https://www.gov.uk/government/publications/planning-and-access-for-disabled-people-a-good-practice-guide) (<https://www.gov.uk/government/publications/planning-and-access-for-disabled-people-a-good-practice-guide>) and legislation, including [WCAG 2.1 accessibility standard](https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag) (<https://www.gov.uk/service-manual/helping-people-to-use-your-service/understanding-wcag>) to Level AA as a minimum and the [Public Sector Bodies \(Websites and Mobile Applications\) \(No. 2\) Accessibility Regulations](https://www.gov.uk/government/publications/public-sector-bodies-websites-and-mobile-applications-no-2-accessibility-regulations)



[2018 \(https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps\)](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) for digital content

- operator websites and digital booking apps comply with the WCAG 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content

### 4.3 Barriers relating to the carriage of assistance dogs

There are around 6,000 assistance dog partnerships in the UK, supporting disabled people to navigate the built environment, respond to sounds they cannot hear, react to health emergencies, and interact with objects and obstacles. They are often vital for their owners' ability to live independently, confidently and safely, yet 76% of assistance dog owners surveyed for the [2022 Inclusive Transport Strategy Evaluation report \(https://www.gov.uk/government/publications/inclusive-transport-strategy-evaluation-baseline-and-technical-reports\)](https://www.gov.uk/government/publications/inclusive-transport-strategy-evaluation-baseline-and-technical-reports) had experienced a refusal or near-refusal during the preceding year. The main barriers faced by assistance dog owners when using these services include:

- the outright refusal of carriage
- an initial refusal of carriage followed by a protracted argument over an assistance dog owner's right to travel
- the provision of a sub-standard service because of a wish not to carry an assistance dog
- longer waits for booked vehicles due to operators allocating only drivers willing to convey passengers accompanied by assistance dogs
- the charging of higher fares or additional fees
- requiring the assistance dog to travel in a separate compartment to its owner
- the failure of local authorities to prosecute drivers even where sufficient evidence exists, preventing affected passengers from having their legal rights upheld

### 4.4 Confidence barriers

Many disabled people lack confidence to use public transport services including taxis and private hire vehicles. They may have had negative experiences in the past or read about accessibility issues that others have experienced. Social media now makes it simple for disabled people, and others, to share accounts of being refused carriage or of licensing authorities failing to take decisive action against drivers who discriminate, and this can exacerbate perceptions



that such services are not accessible. Confidence related barriers might include:

- the expectation that services will not be accessible, leading disabled people not to travel, or to use other less convenient or safe means
- the fear of confrontations which can ensue when attempting to travel with mobility equipment or an assistance dog
- the fear of being charged too much or taken on a circuitous route
- anxiety linked to mental health or other conditions, exacerbated by previous negative experiences or a fear of not being provided with appropriate assistance
- a lack of confidence in accessibility issues being investigated effectively and drivers facing sanctions where appropriate

To mitigate these confidence-related barriers authorities should take the relevant actions provided in the other sections of this guidance and:

- provide information publicly on the accessibility of taxi and private hire vehicle services, and the action that will be taken if they fall short of reasonable expectations
- always ensure that passengers are kept informed about the progress of investigations into complaints they have made, and that they understand the rationale for any resulting decision on action to be taken
- include in operator and driver facing communications testimonials of passengers who face confidence-related barriers when using taxis and private hire vehicles
- provide handouts explaining how confidence can be undermined by poor service
- support local travel training initiatives to support disabled people to access taxi and private hire vehicle services independently
- invite positive feedback on the accessibility of services, and champion inclusive behaviour, perhaps through communications, awards or other incentives

To assist passengers who would like to raise a complaint, licensing authorities should require operators to provide a driver's private hire licence number and any information relating to a booking upon the relevant licensing authority's request.

## 4.5 Supporting an inclusive service

Licensing authorities are uniquely placed to ensure that taxi and private hire vehicle services within their jurisdiction actively promote equality and independence for disabled people. By ensuring drivers and operators

understand how to provide every customer with the assistance they need, authorities can ensure disabled people can travel with confidence that their needs will be met.

By taking action to ensure there are sufficient wheelchair accessible vehicles to satisfy passenger demand, authorities can ensure that wheelchair users need no longer structure their lives around the times and locations when vehicles accessible to them are likely to be available. And, by taking prompt and robust action to investigate and prosecute licensees in response to cases of discrimination, authorities can ensure that every operator and driver treats seriously their role in providing an inclusive service. Authorities should ensure those that are found liable for discriminatory treatment towards a disabled person are subject to a fine or the loss and/or suspension of their license as a consequence.

Supporting an accessible service is an integral aspect of licensing authorities' role, therefore, it is important that authorities make the provision of an inclusive service a core strategic aim, and that they consider the factors which can influence the extent to which such services meet the needs of all passengers.

## 4.6 Inclusive service plan

All licensing authorities should develop and maintain an inclusive service plan (ISP), either as a standalone document or as an integral element of a wider strategy. The ISP should describe:

- the demand for accessible services in their area, from wheelchair users and non-wheelchair users, and from people with both visible and less-visible impairments, and an assessment of the extent to which that need is currently being met
- the authority's strategy for making transport more inclusive generally, and specifically in relation to taxi and private hire vehicle provision
- the steps that the authority will take to improve the inclusivity of the taxi and private hire vehicle services it supports, including timescales for their completion
- the courses or assessments authorities require applicants to undertake - these should be suitable for a range of participants e.g. including older drivers

ISPs should be developed collaboratively with organisations representing the interests of disabled people and people with other protected characteristics. This should be based on accurate and up-to-date evidence of need and usage. To support the production and updating of an ISP, authorities should survey existing and potential disabled passengers at least every 5 years, building an understanding of the extent to which the vehicles and services provided by taxi

and private hire vehicle fleets adequately support the needs of all passengers and whether driver training needs are being met.

ISPs should be policy documents first and foremost, intended to demonstrate publicly authorities' commitment to improving accessibility continually. They may, however, also serve to demonstrate to passengers the steps being taken to improve services. Authorities should consider how the content can be made more accessible to the public. They should in any case always be made available on authority websites and in alternative accessible hard copy formats, consistent with authorities' legal equalities duties.

ISPs should be updated at least every 5 years, to ensure decisions are based on an up-to-date understanding of passenger needs. ISP reviews should align with other periodic aspects of licensing practice and, where possible, the production of the local transport plan.

ISPs should be developed with an awareness of the context facing disabled passengers. Unfortunately, too many disabled people still report receiving inadequate service from taxi and private hire vehicle operators and drivers, or a lack of support from licensing authorities when they report alleged discrimination. In the three years after rules on the carriage of wheelchair users were introduced, over 30% of authorities had not implemented them, denying disabled passengers the right to be treated like anybody else.

Two decades have passed since the law made it illegal for taxis and private hire vehicles to refuse an assistance dog and yet today too many owners report that they continue to be refused carriage. Additionally, disabled people continue to face barriers when using taxis and private hire vehicles, for example from unhelpful drivers, vehicles with too high a step or a lack of handholds or being refused carriage and left waiting at the kerbside.

To ensure decisions taken on the regulation of services are informed by the lived experiences of disabled people, authorities should take steps to ensure that policy makers and staff dealing with the public understand the barriers that disabled people can face when using transport services. Therefore, relevant authority staff should complete disability awareness training.

ISPs should also take into account any authority rules on the specification of licensed vehicles, including the ease with which they can be converted to convey passengers seated in a wheelchair. We understand that there is a particular challenge with some electric vehicles, and authorities should ensure they have considered fully the impact of any decision to require the use of such vehicles before changing licensing requirements.

## 4.7 Assistance for all passengers

Drivers and operators have specific duties not to discriminate against disabled passengers generally, and passengers in wheelchairs or who are accompanied by assistance dogs specifically. However, they also have general duties not to discriminate against anybody on account of their protected characteristics and proactively to provide reasonable adjustments that permit disabled passengers specifically to access their services. Although such general duties are enforced by disabled people through the Civil Courts, authorities have a role to play in creating an expectation that every potential passenger should be valued, regardless of any protected characteristic, and that any passenger requiring reasonable assistance is provided with it.

As a matter of course, drivers should help passengers to stow mobility aids, pushchairs and luggage, to ensure that older, younger or disabled passengers leave the vehicle safely away from traffic, and support customers to use card readers or count their change. Authorities can reinforce this through communications and training but could also include relevant requirements in licensing conditions or byelaws, which can be enforced by the authority.

All licensing authorities must comply with the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/section/149) (<https://www.legislation.gov.uk/ukpga/2010/15/section/149>)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure. Licensing authorities must also ensure that reasonable adjustments are made to remove physical barriers preventing disabled people from accessing taxi and private hire vehicle services.

Licensing authorities should provide a straightforward, accessible means of reporting alleged instances of discriminatory behaviour, including a dedicated email address and a telephone number. They should also take proactive steps to investigate allegations, interview passengers, and seek relevant evidence from operators and partner agencies.

Cases should be prosecuted where there is sufficient evidence to identify the driver and substantiate the claims made. The guidance on the assessment of convictions provided with the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) states that where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Licensees convicted of such offences should be subject to the same standards.

Where a complaint about discrimination is received that will not result in a conviction, licensing authorities should consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions should be considered, such as suspension or revocation. The licensing authority must give full consideration to the available evidence before any decision is made and the licensee should be given the opportunity to state their case. Possible outcomes would include no action being taken and the complaint being recorded, a suspension until disability and equality awareness

training/assessment is completed, or revocation of a licence and a refusal to issue another for an appropriate period.

## 4.8 Assistance dogs

To mitigate barriers relating to the carriage of an assistance dog, authorities must comply with the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/section/149\)](https://www.legislation.gov.uk/ukpga/2010/15/section/149)) when taking decisions concerning the provision of taxi and private hire vehicle services. This includes adoption of any policies affecting the carriage of assistance dogs in taxis and private hire vehicles or the investigation and, where appropriate, prosecution of drivers alleged to have discriminated against their owners.

Licensing authorities should:

- remind operators and drivers regularly of their duties under sections 168 to 171 of the [Equality Act 2010 \(https://www.legislation.gov.uk/ukpga/2010/15/contents\)](https://www.legislation.gov.uk/ukpga/2010/15/contents) and of the authority's intention to prosecute those that refuse to comply
- make it simple for passengers to report alleged instances of illegal discrimination relating to the carriage of assistance dogs
- investigate all such alleged instances, and prosecute drivers where sufficient evidence is identified
- where drivers are legally exempt from carrying assistance dogs, provide them with a card confirming this in large print and Braille, in addition to the statutory exemption notice
- invite operators and drivers to meet with assistance dog owners and learn about the role they play
- work with organisations, such as the Guide Dogs for the Blind Association, to produce hand out material which can be provided to operators and drivers
- encourage drivers to accept the carriage of trainee assistance dogs, which can benefit service accessibility by familiarising operators and drivers with the role of respective dogs and by helping the dogs to learn to behave appropriately when travelling by taxi or private hire vehicle
- build relationships with private hire vehicle operators to encourage proactive reporting of drivers alleged to have discriminated against passengers with assistance dogs, and provision of relevant evidence to support the authority's investigation.
- consider implementing policies at a local level which provide for categories of assistance dogs other than those prescribed at s173 of the Equality Act 2010 to travel in vehicles, where this is deemed appropriate

## 5. Enforcing the licensing regime

This section reiterates the importance of this function as outlined in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>).

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

### 5.1 Setting expectations and monitoring

Licensing authorities should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so.

The provision of a clear, simple and well-publicised process for the public to make comments and complaints about drivers, vehicles and operators will enable authorities to recognise and promote excellence and target compliance and enforcement activity. This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required.

It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety or due to discriminatory behaviour, or to prosecute drivers in the Magistrates' Court for evidenced breaches of sections 165, 168 or 170 of [the Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) (<https://www.legislation.gov.uk/ukpga/2010/15/contents>).

Authorities should note that it can be particularly difficult for disabled passengers, including those who are visually impaired, to provide evidence of incidents. They may not, for instance, always be able to identify a driver visually. Authorities should still investigate such reports thoroughly, including taking statements from passengers, drivers and witnesses, accepting video or audio recordings as evidence where appropriate, and seeking evidence from partner agencies and from private hire vehicle operators (where relevant).

Where operators or drivers are prosecuted for Equality Act 2010 offences enabling those affected to give evidence in court may help to strengthen the authority's case, crystallise the harm caused to individuals, and increase complainants' confidence in the enforcement process. It is our view that

prosecuting drivers and operators for offences under the Equality Act 2010, rather than relying solely on licensing sanctions, is proportionate to the harm caused by such discrimination and is vital to increasing the confidence of disabled passengers to use services.

We therefore recommend that cases are prosecuted where sufficient evidence exists and doing so would be in the interest of the inhabitants of the area. Blanket policies on not prosecuting offences may be incompatible with authorities' wider equalities duties.

Well-directed compliance and enforcement activity by the licensing authority benefits not only the public but also the responsible people in the taxi and private hire vehicle trades. Indeed, it could be argued that public safety depends upon licensing authorities having effective compliance and enforcement mechanisms in place. This includes actively seeking out those that operate outside the licensing system, not just those who come forward seeking the appropriate licences.

The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including, for example, any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Licensing authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Department for Work and Pensions) have proved beneficial in some areas.

Licensing authorities often use enforcement staff to check a range of licensed activities (such as premises selling alcohol, market traders etc.) as well as the taxi and private hire vehicle trades, to make the best use of staff time. But it is desirable to ensure that taxi and private hire vehicle enforcement effort is at least partly directed to areas where there is an evening or late-night economy, when problems such as touting and illegal standing or plying for hire tend most often to arise. In formulating policies to address these issues, licensing authorities should be aware of the [Sentencing Council's guidelines](https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/taxi-toutingsoliciting-for-hire-revised-2017/) (<https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/taxi-toutingsoliciting-for-hire-revised-2017/>) that specifically consider taxi touting/soliciting for hire and ensure those considering cases are aware of these and further guidelines on [offences committed for 'commercial' purposes](https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/6-offence-committed-for-commercial-purposes/) (<https://www.sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/6-offence-committed-for-commercial-purposes/>).

## 5.2 Test purchasing

Test purchasing can be a powerful tool in identifying drivers and operators that are not complying with the requirements and standards an authority expects of



its licensees; and those that are unlicensed, uninsured and unvetted who are seeking to illegally carry passengers.

This tool can be particularly useful in identifying those who discriminate against disabled passengers, particularly as evidencing ad hoc incidents can be difficult for the passengers concerned. Authorities have used disabled staff volunteers to run such exercises, targeting locations or particular operators linked to complaints about discrimination, with enforcement officers on hand to take evidence to support potential future prosecutions. Publicising the use of such approaches may act as a deterrent to licensees considering refusing carriage to a disabled person.

Licensing authorities should consider seeking legal advice before undertaking any covert test purchasing activity that will or is likely to take place inside a vehicle. This is so that an assessment can be made as to whether the proposed activity is considered to be covert surveillance (either directed surveillance or intrusive surveillance) under the [Regulation of Investigatory Powers Act 2000](https://www.legislation.gov.uk/ukpga/2000/23/contents) (<https://www.legislation.gov.uk/ukpga/2000/23/contents>) (RIPA). More information on directed and intrusive surveillance can be found in the [Covert Surveillance and Property Interference Code of Practice](https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice) (<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>).

Test purchase activity does not in general require a covert human intelligence sources (CHIS) authorisation under RIPA as vendor-purchaser activity does not normally constitute a relationship as the contact is likely to be so limited. However, if repeat contact is made with the same driver or operator to encourage familiarity, a relationship may be established for a covert purpose and a CHIS authorisation should be considered.

### 5.3 Joint authorisation of enforcement officers

Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of compliance and enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021) (<https://www.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021>).

## 5.4 The Community Safety Accreditation Scheme

The [Community Safety Accreditation Scheme \(CSAS\)](https://www.gov.uk/government/publications/community-safety-accreditation-scheme-powers)

(<https://www.gov.uk/government/publications/community-safety-accreditation-scheme-powers>) is a voluntary scheme under which chief constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers. These roles include neighbourhood wardens, hospital security guards, park wardens, shopping mall guards and train guards and local authority enforcement officers.

The scheme creates a framework for public and private bodies to work in partnership with the police, providing additional uniformed presence in communities and capitalising on the skills and information captured by those already engaged with the community.

All schemes are managed, monitored and assessed at a local level by the responsible police force. Main benefits of the scheme include:

- increasing uniformed presence on the streets (CSAS accredited persons wear the uniform of their employing organisation, with an identification badge endorsed by the local police force)
- saving valuable police time in community safety
- promoting partnership working and the two-way exchange of information and intelligence between agencies

For more information about CSAS in your area, please [contact your local police force \(http://www.police.uk/\)](http://www.police.uk/).

## 5.5 Points-based enforcement systems

To increase compliance with licensing requirements some licensing authorities operate a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee (or other bodies charged with reviewing). Such systems can provide greater consistency in enforcement and make better use of the licensing committee's time. Authorities that operate a points-based enforcement system should make clear to licensees that these are separate to the 'penalty points' (endorsements) that the courts can put on a motorist's licence. As set out at 5.1, licensing authorities that use a points-based system should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so - the points for specific breaches should be clearly set out.

Where a points-based enforcement system is in operation points incurred should remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is 3 and 5 years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the department recommends that points should remain on the record from the date of the incident for a minimum of 3 years for drivers and a minimum of 5 years for private hire vehicle operators.

It should be noted that reaching a points limit must not result in an automatic action but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns. Such action might be undertaking additional training not just a suspension or revocation. Licensing authorities should however consider whether a review is undertaken in situations where points are incurred within a short period but have not reached a review point; for example, a rapid accumulation of points may indicate deteriorating standards or increasingly unsatisfactory conduct.

## 5.6 Suspension and revocation of driver's licences

[Section 61 of the Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/61) (<https://www.legislation.gov.uk/ukpga/1976/57/section/61>), [section 16 of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/17) (<https://www.legislation.gov.uk/ukpga/1998/34/section/17>) and section 19 of the Plymouth City Council Act 1975 provide licensing authorities with the ability to suspend or revoke a driver's licence.

Following the High Court's decision in *Singh-v-Cardiff City Council* 2012 EWHC 1852 Admin, the interim suspension (pending investigation or trial) of a licence is no longer practicable. A decision to suspend a licence is a final decision and should not be made before a reasoned determination has been made that one of the above grounds (detailed in the relevant aforementioned act) has been met.

Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state their case. As with the initial decision to license a driver, this determination should be reached based on probability, not on the burden of beyond reasonable doubt. If a period of suspension is imposed, it cannot be extended or changed to revocation later.

A decision to revoke a licence does not prevent the reissuing of a licence if further information is received that would alter the balance of probability, nor does a suspension prevent a subsequent decision to revoke. The decision to suspend or revoke is based on the evidence available at the time it made the determination. New evidence may, of course, become available later.

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

A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training or following a review of the individual circumstances where the limit of a points-based system is met. In this instance, the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority decides that, based on the information available at that time and on the balance of probability, the driver presents a risk to public safety.

### [Section 61\(2B\) Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/61)

[\(<https://www.legislation.gov.uk/ukpga/1976/57/section/61>\)](https://www.legislation.gov.uk/ukpga/1976/57/section/61) and [section 17\(2\) of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/17)

[\(<https://www.legislation.gov.uk/ukpga/1998/34/section/17>\)](https://www.legislation.gov.uk/ukpga/1998/34/section/17) enable licensing authorities to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect on the grounds that it is in the interest of public safety and provided that the appropriate form of notice is given. In other cases, the suspension or revocation will take effect 21 days after the appropriate notice is given. The department is not proposing to issue any specific guidance on this issue of when immediate suspension or revocation of a licence is appropriate, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

## 5.7 Suspension and revocation of vehicle licences

### [Section 60 of the Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57/section/60)

[\(<https://www.legislation.gov.uk/ukpga/1976/57/section/60>\)](https://www.legislation.gov.uk/ukpga/1976/57/section/60), [section 16 of the Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/section/16)

[\(<https://www.legislation.gov.uk/ukpga/1998/34/section/16>\)](https://www.legislation.gov.uk/ukpga/1998/34/section/16) and [section 18 of the Plymouth City Council Act 1975](https://www.legislation.gov.uk/ukla/1975/20/enacted)

[\(<https://www.legislation.gov.uk/ukla/1975/20/enacted>\)](https://www.legislation.gov.uk/ukla/1975/20/enacted) provide licensing authorities with powers to suspend or revoke vehicle licences.

In addition, licensing authorities have powers to inspect and test taxis and private hire vehicles. If the licensing authority is not satisfied as to the fitness of the vehicle, or as to the accuracy of the taximeter in the case of taxis, they can suspend the vehicle licence and require the vehicle or the taximeter to be made available for further inspection. If the authority is not satisfied as to the fitness of the vehicle or accuracy of the taximeter after 2 months, this can lead to

revocation of the vehicle licence - see [section 68 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

(<https://www.legislation.gov.uk/ukpga/1976/57/section/68>), [section 9 of the Private Hire Vehicles \(London\) Act 1998](#)

(<https://www.legislation.gov.uk/ukpga/1998/34/section/9>) and section 26 of the [Plymouth City Council Act 1975](#)

(<https://www.legislation.gov.uk/ukla/1975/20/enacted>) for further details.

## 5.8 Suspension and revocation of private hire vehicle operator licences

[Section 62 of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

(<https://www.legislation.gov.uk/ukpga/1976/57/section/62>) provides authorities with wide powers to suspend an operator's licence, section 20 provides a similar power under the [Plymouth City Council Act 1975](#)

(<https://www.legislation.gov.uk/ukla/1975/20/enacted>). Transport for London may, under [section 16\(2\) of the Private Hire Vehicles \(London\) Act 1998](#)

(<https://www.legislation.gov.uk/ukpga/1998/34/section/16>), suspend or revoke an operator's licence. Additionally, if in the interests of public safety, the

suspension or revocation may take effect immediately under [section 17\(2\) of the 1998 act](#) (<https://www.legislation.gov.uk/ukpga/1998/34/section/17>).

Otherwise, the suspension or revocation takes effect 21 days after the appropriate notice is served.

# 6. Driver licensing

## 6.1 Duration of driver licences

The [Local Government \(Miscellaneous Provisions\) Act 1976](#)

(<https://www.legislation.gov.uk/ukpga/1976/57>) (as amended), the [Private Hire Vehicles \(London\) Act 1998](#) (<https://www.legislation.gov.uk/ukpga/1998/34/contents>)

and the [Plymouth City Council Act 1975](#)

([https://www.plymouth.gov.uk/sites/default/files/PCCA%201975\\_1.pdf](https://www.plymouth.gov.uk/sites/default/files/PCCA%201975_1.pdf)) set a standard

length of 3 years for taxi and private hire vehicle driver licences. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, where the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration or the licence is only required to meet a short-term



demand. Taxi and private hire vehicle licences should not be issued on a 'probationary' basis.

## 6.2 Fit and proper test

The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) sets out the approach licensing authorities should take in respect to the fit and proper test. However, in addition to those checks provided in the statutory standards, as a minimum, the department would expect all applicants to undergo an assessment of their medical fitness. Before making a decision on a person's application for, or for the renewal of, a driver's licence a licensing authority must search the database provided by the National Anti-Fraud Network, the National Register for Revocations, Refusals and Suspensions (NR3S), for entries relating to the applicant.

This requirement to search the database arises under the [Taxis and Private Hire Vehicle \(Safeguarding and Road Safety\) Act 2022](https://www.legislation.gov.uk/ukpga/2022/14/enacted) (<https://www.legislation.gov.uk/ukpga/2022/14/enacted>). The responsibilities of licensing authorities to share safeguarding and road safety concerns about taxi and private hire vehicle drivers with each other under this act are outlined in [statutory guidance](https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022) (<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>).

## 6.3 Disability awareness

Drivers should be trained in disability awareness and/or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service. The training or assessment should include but not be limited to:

- the features of an inclusive, high quality service
- appropriate attitudes, behaviours and skills
- assistance that can be provided to all passengers
- the protected characteristics, and related Equality Act 2010 duties
- understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified
- the role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this
- how to communicate with people with different communication needs
- how to assist people with a range of visible and less visible impairments

- supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair
- the identification and role of assistance dogs
- legal obligations towards disabled passengers and the consequences of not complying with them
- an assessment of the trainee's knowledge and skills

### [The REAL disability equality training programme](https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules)

(<https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules>) created on behalf of the Department for Transport, which includes common content for all modes as well as content developed for taxi and private hire vehicle drivers may provide a foundation for the development of courses meeting these requirements and should be considered when assessing disability awareness training needs.

Licensing authorities should encourage drivers to learn British Sign Language, including contributing to related costs.

## 6.4 Driver proficiency

The [Road Safety Statement](https://www.gov.uk/government/publications/road-safety-statement-2019-a-lifetime-of-road-safety) (<https://www.gov.uk/government/publications/road-safety-statement-2019-a-lifetime-of-road-safety>) published in 2019 stated that:

“ The need to improve road safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job.”

Licensing authorities should require taxi and private hire vehicle drivers, as professional drivers, to display a higher degree of driving aptitude and diligence than a private motorist. This is considered appropriate and proportionate and is consistent with other elements of taxi and private hire vehicle driver licensing, for example, medical and vision assessments.

The ability to drive a car is tested when obtaining a driving licence. Nevertheless, evidence shows that driving behaviours are a significant contributor to road collisions. Factors such as fatigue, distractions and excess speed contribute significantly to collisions; excess speed alone accounted for 12 percent of all road traffic collisions in 2021 and 25 percent of those that resulted in a fatality. As professional drivers, for whom time is money, an appreciation of the effect of additional distractions and pressures which can negatively influence their driving behaviours is particularly relevant.

Licensing authorities should require taxi and private hire vehicle drivers to undertake training and/or assessment focussed on attitudes and behaviours, such as those provided by IAM Roadsmart and the Royal Society for the



Prevention of Accidents (RoSPA), at first application and renewal (typically every 3 years). Where an authority has specific concerns about the driving ability of a driver, for example through passenger complaints, it would be appropriate for the authority to consider whether the driver in question should undertake a practical driving ability training course or assessment to address those concerns.

## 6.5 Acceptance of non-UK driving licences

Individuals can drive legally in the UK with non-UK car and motorcycle licences for up to 12 months. Some individuals will then be required to (or may wish to) exchange a licence issued by another country. A [tool is available to provide more information on which licences must be exchanged](https://www.gov.uk/driving-nongb-licence) (<https://www.gov.uk/driving-nongb-licence>) as well as the requirements and processes involved.

## 6.6 Medical and vision assessment

There is general recognition that it is appropriate for taxi and private hire vehicle drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey
- they are on the road for longer hours than most car drivers
- they may have to assist disabled passengers and handle luggage

Licensing authorities should apply the [Group 2 medical required for an entitlement to drive lorries \(category C\) and for buses \(category D\)](https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive) (<https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive>). For category C and D licences, the Group 2 licensing entitlements must be renewed every 5 years or at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without an upper age limit. Shorter category C and D licences may be issued for medical reasons.

All initial category C and D licence applications require a medical assessment by a registered medical practitioner (recorded on the D4 form, this does not need to be the applicant's GP). The same assessment is required again at 45 years of age and on any subsequent reapplication. Though it is not a requirement, the DVLA recommends that drivers who submit a medical report with an application or renewal for a Group 2 licence should obtain this from a doctor with access to their full medical records. When conducting medical

investigations, the DVLA will write to the driver's GP or consultant if further medical information is required; licensing authorities should do the same.

It is the responsibility of licensing authorities to assess the medical information they receive and decide whether a taxi or private hire vehicle licence should be issued. It is not the responsibility of the medical professional that provides the information to do this. Licensing authorities should seek the same information to inform their decision as required by the DVLA for category C and D licences. It is therefore suggested that [DVLA's medical examination report \(D4\)](https://www.gov.uk/government/publications/d4-medical-examiner-report-for-a-lorry-or-bus-driving-licence) (<https://www.gov.uk/government/publications/d4-medical-examiner-report-for-a-lorry-or-bus-driving-licence>) is used as a template for licensing authorities to gather relevant information.

Detailed guidance on assessing medical fitness to drive is available in DVLA's [Assessing fitness to drive – a guide for medical professionals](https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals) (<https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals>).

## 6.7 Immigration checks

The [Immigration Act 2016](https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted) (<https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>) (section 37 and Schedule 5) amended existing licensing regimes in the UK to prevent illegal working in the taxi and private hire vehicle sector, as drivers and operators. Licensing authorities are prohibited from issuing a licence to anyone who is disqualified by reason of their immigration status, and they discharge their duty by conducting immigration checks. The Home Office have provided [guidance for licensing authorities](https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks) (<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>) on this matter.

Being disqualified from holding a licence by reason of their immigration status means that the person is in the UK illegally, is not permitted to work, or is permitted to work, but is subject to a condition that prohibits them from holding a licence in this sector.

The requirement to check the immigration status of licence applicants is in addition to and does not amend or replace the existing 'fit and proper' test.

## 6.8 Age limits

It is not appropriate to set a maximum age limit for drivers. Medical fitness to drive should be regularly assessed. Minimum age limits, beyond the statutory periods for holding a full driving licence, also seem inappropriate. Applicants

should be assessed on their merits, and to do otherwise may in any case be contrary to the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) (<https://www.legislation.gov.uk/ukpga/2010/15/contents>), unless such restrictions can be justified in the public interest.

## 6.9 Language proficiency

The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills. Written proficiency is relevant because this could affect a driver's ability to understand written documents, such as policies and guidance relating to the protection of children and vulnerable adults, and applying this to identify and act on signs of exploitation. Oral proficiency will be relevant in identifying potential exploitation through communicating with passengers and their interaction with others.

Language proficiency will bring wider passenger benefits to those set out in the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) in terms of the driver's ability to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests and for the driver to provide a legibly written receipt upon request.

## 6.10 Vocational training and assessment

The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) are clear that all drivers should be required to undertake safeguarding training to understand policies and guidance relating to the protection of children and vulnerable adults to identify and act on signs of exploitation.

Whilst the minimum recommended requirements for safeguarding and disability awareness training could be met by requiring drivers to undertake vocational qualifications, it does not have to be delivered through this route. As set out in [section 3 of this document](#), licensing authorities should be able to demonstrate that any licensing conditions or requirements over and above that recommended by government are justified and proportionate.

Vocational qualifications provide a 'snapshot' of learning as they are awarded based on the curriculum of the course at the time it is taken. The training

required of drivers will naturally evolve over time and so a vocational qualification may need to be supplemented with further training and assessment. An example of this is the inclusion of '[county lines](https://www.gov.uk/government/publications/county-lines-protecting-vulnerable-people-from-exploitation) (<https://www.gov.uk/government/publications/county-lines-protecting-vulnerable-people-from-exploitation>)' awareness as part of safeguarding training.

Given the need for driver knowledge and awareness to evolve and the potential need for periodic assessment, licensing authorities should not require applicants for a licence to have obtained a vocational qualification. If drivers and private hire vehicle operators wish to go beyond what is required to obtain a licence as part of their development or business model they can obviously do so, but it should not be a licensing requirement.

## 6.11 Topographical knowledge

Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, directly with the driver, at ranks or on the street and so drivers are not able to prepare a route. Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence. The department's view is that the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.

Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator; the operator should gather sufficient information from the passenger to identify the collection and drop-off points, this will enable the driver to check the details of a route before starting a journey and plan or enter it in a navigation system. Given the availability, reliability and ease of use of sat nav systems, licensing authorities should not require any topographical knowledge or navigational tests for private hire vehicle drivers.

## 6.12 Intended use policies in respect of taxi drivers

Holders of taxi licences are permitted to carry pre-booked fares anywhere in England and Wales, reflecting that taxi drivers may carry passengers beyond the boundary of their licensing authority, the 'compellable area', and seek a return fare to avoid additional miles without a fare. We are aware that a number of licensing authorities have introduced a taxi 'intended use' policy when considering licence applications aimed at reducing the number of taxis working predominantly to carry prebooked fares in other areas rather than plying for hire in their licensed area.

Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority's area. The residential address provided by the application should be considered in assessing the likelihood of this declaration being adhered to when assessing an application for a taxi driver licence.

## 6.13 Vehicle condition check

The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities should require drivers to conduct a walkaround check as part of a driver's core role. Drivers can be fined up to £2,500, be banned from driving and get three penalty points for driving a vehicle in a dangerous condition. [Annex 6 of the Highway Code \(https://www.gov.uk/guidance/the-highway-code/annex-6-vehicle-maintenance-safety-and-security\)](https://www.gov.uk/guidance/the-highway-code/annex-6-vehicle-maintenance-safety-and-security) provides information and rules about vehicle maintenance.

A driver should undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.

Drivers should be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.

A [model vehicle checklist is available on GOV.UK landing page for this guidance \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance).

## 7. Private hire vehicle operator licensing

The objective in licensing private hire vehicle operators is, again, the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them. The [Statutory Taxi and Private Hire Vehicle Standards \(https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) sets out relevant safeguarding checks for operators, including criminality checks. In addition, the Department consider it appropriate to ensure that private hire vehicle operators administer their business correctly to be

considered 'fit and proper'. Licensing authorities should consider the following as part of their assessment.

## 7.1 Sources of information

Checking open-source information, cross checking information with bodies such as Companies House and the Office of the Traffic Commissioner can help licensing authorities assure themselves that the company is suitable to be licensed.

## 7.2 Disability awareness

The licensee and all staff in customer facing roles and people managing service delivery should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service. Training or assessment should include but not be limited to:

- the features of an inclusive, high quality service
- appropriate attitudes, behaviours and skills
- assistance that can be provided to all passengers
- the protected characteristics, and related Equality Act 2010 duties
- understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified
- the role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this
- how to communicate with people with different communication needs
- how to assist people with a range of visible and less visible impairments
- the identification and role of assistance dogs
- legal obligations towards disabled passengers and the consequences of not complying with them
- an assessment of the trainee's knowledge and skills

The [REAL disability equality training programme](https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules) (<https://www.gov.uk/government/publications/real-training-introduction-and-all-transport-modes-modules>) created on behalf of the Department for Transport, which includes common content for all modes, as well as [content developed for taxis and private hire vehicles](https://www.gov.uk/government/publications/real-training-taxi-and-phv-modules) (<https://www.gov.uk/government/publications/real-training-taxi-and-phv-modules>) may provide a foundation for the development of courses



meeting these requirements, and should be considered when assessing disability awareness training needs.

Licensing authorities should require operators to ensure that any digital booking platforms comply with the [WCAG 2.1 accessibility standard](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) (<https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps>) to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum.

Cases should be prosecuted where there is sufficient evidence to substantiate offences under section 167A or section 170 of the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) (<https://www.legislation.gov.uk/ukpga/2010/15/contents>), or where an operator has unlawfully discriminated against a passenger or failed to make reasonable adjustments under the same Act.

## 7.3 Private hire vehicle operators – duration of licences

The [Local Government \(Miscellaneous Provisions\) Act 1976](https://www.legislation.gov.uk/ukpga/1976/57) (<https://www.legislation.gov.uk/ukpga/1976/57>) (as amended) and the [Private Hire Vehicles \(London\) Act 1998](https://www.legislation.gov.uk/ukpga/1998/34/contents) (<https://www.legislation.gov.uk/ukpga/1998/34/contents>) set a standard length of licence of 5 years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration, or the licence is only required to meet a short-term demand. Private hire vehicle operator licences should not be issued on a 'probationary' basis.

## 7.4 Insurance

It is appropriate for a licensing authority to check that appropriate public liability insurance has been obtained.

## 7.5 Health and Safety responsibilities

Health and safety law creates duties on businesses where requirements apply to workers in the same way as they do for employees. Guidance from the Health and Safety Executive (HSE) ([Health and safety for gig economy, agency and temporary workers - HSE](https://www.hse.gov.uk/vulnerable-workers/gig-agency-and-temporary-workers)) ([https://www.hse.gov.uk/vulnerable-workers/gig-agency-](https://www.hse.gov.uk/vulnerable-workers/gig-agency-and-temporary-workers)

[temporary-workers/index.htm](#) ;!!HEBAkwG3r5RD!qyHlgFBDggAjXZaivgVkZPGVEKuKVGfmzgXU-uAJQRInY\_io3BvjIMn2MvH-yL2eGIEpTA\$)) outlines the different type of workers and what is expected of businesses who use their services.

In practice, this means establishing effective management arrangements and carrying out an assessment of the risks to workers while they are at work, and to other people who may be affected by their work activities. Any assessment should identify the significant risks affecting workers and others, and, importantly, identify measures to reduce those risks. For example, this includes how to ensure work-related road safety (see [Driving for work](#) (<https://www.hse.gov.uk/workplacetransport/drivingforwork.htm>) for further guidance), training requirements and the provision and use of any protective equipment. The HSE also provide [guidance for both employers and workers on protecting lone workers](#) (<https://www.hse.gov.uk/pubns/indg73.htm>). This guidance applies to anyone contracted to work for an operator, including self-employed people.

[Secured by Design](#) (<https://www.securedbydesign.com/>) (SBD) is the official police security initiative that works to improve security to provide safe places, including those in which to work. SBD's product based accreditation scheme – the [Police Preferred Specification](#) (<https://www.securedbydesign.com/member-companies/police-preferred-specification-explained>) - provides a recognised standard for all security products that can deter and reduce crime and includes those for lone workers.

[Devices and apps are available](#) (<https://www.suzylampugh.org/lone-worker-devices>) to help employers protect lone workers, however they are not likely to be sufficient on their own. Operators must still manage the risks of working alone, including training, supervising and monitoring lone workers as well as keeping in touch with them and responding to any incidents.

In the department's view, although it may not be the role of licensing authorities to enforce Health and Safety legislation, it is reasonable for any breaches of this legislation to be considered as part of the 'fit and proper' test. As stated in this guidance, the primary and overriding objective must be to protect the public.

## 7.6 Compliance with employment law

It is not within the scope of this guidance to offer an opinion on the employment status of private hire vehicle drivers, nor is it for licensing authorities to decide on these matters: only the courts can make rulings on employment status. The Department for Business and Trade has published [guidance to make it easier for individuals and businesses to understand which employment rights apply to them](#) (<https://www.gov.uk/government/publications/employment-status-and-employment-rights>).

In the department's view, where an employment tribunal or a court of law has ruled on the employment status of a driver or drivers working for an operator, whether the operator is complying with that decision in respect of the driver(s) referred to in the ruling, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a private hire vehicle operator.

## 8. Vehicle licensing

The legislation gives licensing authorities a wide range of discretion over the types of vehicle that they can license as taxis or private hire vehicles. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

### 8.1 Specification of vehicle types that may be licensed

Normally, the best practice is for licensing authorities to adopt the principle of enabling as many different types of vehicles as possible to be licensed. Indeed, licensing authorities should set down a range of general criteria, leaving it open to the taxi and private hire vehicle trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily considered.

Licensing authorities should give very careful consideration to a policy that automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the department believes authorities should be particularly cautious about specifying that only purpose-built taxis can be licensed, given the strict constraint on supply that that implies. Nevertheless, purpose-built vehicles are amongst those that a licensing authority could be expected to license. It may also be too restrictive to automatically rule out considering multi-purpose vehicles, provided that the capacity of the vehicle is not more than 8 passengers.

The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in the [section of this guidance on partitions in vehicles](#), they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

## 8.2 Motorcycles

It is recognised that some licensing authorities may wish to license motorcycles as private hire vehicles. To assist those authorities the department has published [guidance which outlines the standards and conditions which the department considers to represent best practice when licensing motorcycles as private hire vehicles \(http://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles\)](http://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles).

## 8.3 Pedicabs

Pedicabs or rickshaws are pedal-powered vehicles in combination with a trailer designed to carry passengers. They include electrically assisted pedal cycles. Pedicabs offer short-distance, zero emission journeys. Outside London, pedicabs can be regulated as taxis. Where there is local interest in providing pedicab services, licensing authorities should make appropriate adjustments to their licensing requirements for drivers and vehicles to accommodate these requests. Under London legislation, pedicabs cannot be licensed as taxis.

## 8.4 Vehicle age limits

The frequency of testing required (see [frequency of vehicle tests](#)) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle.

The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

## 8.5 Vehicle safety ratings

The increasing ability of a car to reduce or prevent injury during an impact is reported as having had the most significant effect on road casualty totals in recent years. Although numbers have remained broadly consistent since 2010, they still indicate [30% fewer fatalities in 2018](https://www.gov.uk/government/statistics/reported-road-casualties-in-great-britain-annual-report-2018) (<https://www.gov.uk/government/statistics/reported-road-casualties-in-great-britain-annual-report-2018>) than a decade earlier.

[Euro NCAP](https://www.euroncap.com/en) (<https://www.euroncap.com/en>) is an independent, not-for-profit, organisation which is widely recognised by the motor industry and road safety professionals as providing motorists with objective information on the crash safety of passenger cars. The 1-5 star rating helps consumers compare the safety potential of different models and is based on assessment in 4 important areas:

- adult occupant protection (for the driver and passengers)
- child occupant protection
- vulnerable road user protection (pedestrians and cyclists)
- Safety Assist, which evaluates driver assistance (for example, lane keeping and autonomous emergency braking) and occupant status (for example, seat belt reminders and driver monitoring) technologies

Evolving vehicle regulations and consumer information have supported this trend and a 2019 [research paper](https://cdn.euroncap.com/media/53186/developments-in-car-crash-safety-and-comparisons-between-results-from-euro-ncap-tests-and-real-world-crashes.pdf) (<https://cdn.euroncap.com/media/53186/developments-in-car-crash-safety-and-comparisons-between-results-from-euro-ncap-tests-and-real-world-crashes.pdf>) considered differences in real-world injury outcome for occupants in cars rated by Euro NCAP. It concluded that the risk of fatal injury was reduced by 40% for occupants of a 5-star rated car when compared with an equivalent 2-star rated car.

The NCAP star rating system goes beyond type approval and not all new vehicles undergo Euro NCAP tests. A car that just meets the minimum type approval standards would not be eligible for any stars. This also means that a car which is rated poorly is not necessarily unsafe, but it is not as safe as its competitors that were rated better. As of 2021, [Government Buying Standards for transport](https://www.gov.uk/government/publications/sustainable-procurement-the-gbs-for-transport-vehicles/government-buying-standards-for-transport-2017) (<https://www.gov.uk/government/publications/sustainable-procurement-the-gbs-for-transport-vehicles/government-buying-standards-for-transport-2017>) have required that new cars must have a minimum and valid 5-star Euro NCAP safety rating.

[Read more information on the NCAP rating system, how this has evolved and what this means for older vehicles](https://www.euroncap.com/en/about-euro-ncap/how-to-read-the-stars/) (<https://www.euroncap.com/en/about-euro-ncap/how-to-read-the-stars/>).

Licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher NCAP rating, where



these have been assessed, alongside the potential impacts on the availability of vehicles for passengers. Any requirements should be kept under review as the range of vehicles changes.

## 8.6 Environmental considerations

The UK is committed to a 2050 net zero target. This puts the UK on track to end our contribution to climate change, becoming one of the first major economies to legislate for net zero emissions. On transport, government is phasing out the sale of new petrol and diesel cars and vans, from 2035 all new cars and vans must be zero emissions at the tailpipe.

Where clean air zones are introduced, authorities will already be working to address local environmental considerations under the [Clean Air Zones Framework \(https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england\)](https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england). More widely, licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how its vehicle licensing policies can and should support any environmental policies adopted by the local authority. This will be particularly important in designated air quality management areas or low/ultra-low emission zones.

Licensing teams should work with council colleagues with air quality and climate responsibilities to ensure taxi and private hire vehicle fleets play their part in work to tackle local emissions. Leading areas cite large-scale change in these fleets needs a longer-term strategy, with a coordinated approach across council teams and local trades, that considers licencing requirements, other supportive policies (for example, try-before-you-buy scheme), and, in the context of moving to a fully zero emission vehicle fleet, a strategy for supporting the installation of electric vehicle charge points.

Taxis and private hire vehicles that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and regularly checked, due to their higher usage.

Licensing authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future. The short-term objective should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards for example, EURO 6 but, in the long-term, the trade will need to be fully prepared for the end of the sale of new petrol and diesel cars and the need to transition to zero emission vehicles. Licensing authorities should set out their own long-term plan in good time.

In response to local air quality concerns, many licensing authorities are considering how to support the use of [ultra-low or zero emission vehicles given the growing range of vehicles \(https://www.goultralow.com/choosing-an-electric-](https://www.goultralow.com/choosing-an-electric-)



[vehicle/](#)) available. As stated in the [vehicle age limit section of this guidance](#), greater flexibility regarding the age of vehicles licensed can result in more rapid improvement in air quality than mandating new 'clean' internal combustion engine vehicles.

## 8.7 Imported vehicles: type approval

It may be that, from time to time, an authority will be asked to license a taxi or private hire vehicle that has been imported independently (by somebody other than the manufacturer). Such a vehicle might meet the authority's criteria for licensing, but the authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either a GB vehicle type approval or an individual vehicle approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Read [further information about these requirements and the procedures for licensing and registering imported vehicles](#) (<http://www.gov.uk/importing-vehicles-into-the-uk/overview>).

## 8.8 Tinted windows

For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

The department recognises that a minimum light transmission of 30% for windows rear of the B-pillar might impact on executive hire vehicles, where

passengers demand a higher degree of privacy. Some licensing authorities already grant executive hire vehicles plate exemptions, and they could determine that an exemption from the 30% minimum light transmission level for these vehicles is appropriate. Authorities should be assured that those vehicles are not used for 'normal fares'.

Authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting and should be assured that any after-market window tinting does not negatively affect the safety features of the glass it is applied to.

Read separate guidance about the [rules for tinted vehicle windows](https://www.gov.uk/tinted-vehicle-window-rules) (<https://www.gov.uk/tinted-vehicle-window-rules>).

## 8.9 An accessible fleet

The physical accessibility of vehicles used to provide taxi and private hire vehicle services is a significant factor in the inclusivity of the overall service provided. Wheelchair accessible vehicles are essential for wheelchair users who are unable to transfer from their wheelchair to the vehicle, or who prefer to travel in their wheelchair.

Licensing authorities should understand the demand for mixed fleets in its area and ensure that, when issuing licences, it has the right mix of vehicles. They should recognise that some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.

Licensing authorities should assess the demand for wheelchair accessible vehicles in its area on a 5-yearly basis and publish the results. If demand is not currently met, it should also provide an explanation about how the licensing authority plans to meet this demand. Licensing authorities should consider ways to incentivise an increase in wheelchair accessible vehicle provision. This may consist of licence fee rebates, access to bus lanes where agreed with the local highways authority, relaxation of other licensing requirements where it would otherwise be difficult to source appropriate wheelchair accessible vehicles, priority roadway access and, in the case of taxis, rank access.

## 8.10 Inclusive vehicle specifications

The design of non-wheelchair accessible vehicles licensed for use as taxis or private hire vehicles can also have a bearing on their accessibility. This guidance advises authorities to adopt the principle of setting down general criteria for vehicles and allowing drivers and operators to demonstrate how their

vehicles fulfil them. When setting minimum criteria for newly licensed vehicles, authorities should consider factors which could influence the accessibility of vehicles to disabled passengers, including:

- the ease with which passengers can enter and leave the vehicle, including the height of steps and the positioning of seats
- the space available for assistance dogs to remain with their owner in the vehicle
- the space available for folded mobility aids in addition to other items of luggage
- the comfort and safety with which disabled people can use them
- wheelchair accessible vehicles (WAVs)

The government's 2022 statutory guidance '[Access to taxis and private hire vehicles for disabled users](https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users) (<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2>)' recommends that WAVs large enough to accommodate a passenger seated in a "reference wheelchair" should be designated formally as being "wheelchair accessible" for the purposes of section 167 of the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents) (<https://www.legislation.gov.uk/ukpga/2010/15/contents>).

This reflects the department's view that a vehicle which is only able to accommodate smaller wheelchairs would not be accessible to the majority of wheelchair users. Authorities should also maintain a consistent policy on their support or otherwise for WAVs which wheelchair users enter through the rear door. Many wheelchair users find boarding and travelling in such vehicles can be easier and more comfortable, and authorities should consider permitting their use where this is not already the case.

We have undertaken a review of the reference wheelchair standard and believe that further consideration on its use is required. In the meantime, we suggest that licensed WAVs meet minimum size requirements and any changes in policy will be reflected in future guidance.

For some passengers in wheelchairs, only vehicles which enable them to board, alight from and travel whilst remaining in their wheelchair are accessible and it is important that sufficient vehicles of this category are available throughout the day to provide an acceptable service.

Other wheelchair users may be able to transfer onto the seat of a car, with or without assistance, with the wheelchair stored in the vehicle's boot during the journey. For such passengers, and for some ambulant disabled people, for whom high steps and large open spaces may be difficult to negotiate, traditional WAVs may be challenging to access.

Licensing authorities should adopt policies on the minimum standards for WAVs, noting that some passengers need to use wheelchairs larger and

heavier than the [reference wheelchair](#)

(<https://www.gov.uk/government/publications/bus-coach-accessibility-faq/guidance-for-manufacturers-and-operators>).

A truly inclusive transport system is one where a mixed fleet is available, where wheelchair users can travel as easily as anybody else, and this means ensuring that there are sufficient suitable vehicles to serve their needs.

Licensing authorities should assess the demand for wheelchair accessible taxis and private hire vehicles within their jurisdiction at least every five years, aligning with the production of the local transport plan where possible, and take appropriate steps to ensure that the supply of suitably accessible vehicles meets the demand for them.

The assessment, targeted proportion, and details of the steps that will be taken to achieve it should be documented in the authority's [inclusive service plan](#).

## 8.11 Accessibility equipment

Authorities should consider the benefits of requiring additional accessibility equipment to be provided in vehicles beyond that which might be included in a standard vehicle specification, noting that the benefits to disabled customers in terms of their confidence and willingness to travel cannot always be monetised. Authorities should, as a minimum, require the installation of hearing loops in vehicles where an internal screen is fitted, to support passengers who are deaf or hard of hearing to communicate with drivers.

Authorities should also investigate options for making the payment process more accessible for visually impaired passengers. Whilst not widely used in the UK, 'talking' meters are used in other countries, and some payment card readers are more accessible than others. Implementing such interventions could support more disabled passengers to use taxi and private hire vehicle services with confidence.

Licensing authorities should ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## 8.12 Vehicle identification and signage

Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the

trade. To achieve this, licensing authorities should seek to differentiate the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator.

Licensing authorities should not permit roof signs of any kind on private hire vehicles and should require all taxis to display a 'taxi' roof sign/box that can be illuminated when available for hire. Roof signs must comply with the [Road Vehicles Lighting Regulations 1989](https://www.legislation.gov.uk/ukxi/1989/1796/part/II/made) (<https://www.legislation.gov.uk/ukxi/1989/1796/part/II/made>). Permitting any sign/box on a private hire vehicle, regardless of the wording on such a sign, is likely to increase awareness of the vehicle and the likelihood of being mistaken for a taxi.

This increases the success of those illegally standing or plying for hire and may lead to confrontation when private hire vehicle drivers refuse a request for a journey that has not been pre-booked. Having an illuminated sign on taxis and prohibiting them from private hire vehicles will provide a simple way for the public to differentiate between the two services and we encourage all licensing authorities to promote this difference to raise public awareness.

Licensing authorities should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi. To assist the differentiation further, licensing authorities which require taxis to be a particular colour should prevent private hire vehicles from being that same colour, unless they are easily identifiable i.e. they are purpose-built vehicles as is the case in many of our cities.

Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.

This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'has a taxi sign on the roof' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it.

A private hire vehicle driver and proprietor are free to work with more than one operator and licensing conditions or requirements that effectively tie a vehicle or driver into an exclusive relationship with an operator should not be implemented or should be discontinued where these are currently imposed. Examples of such policies are a requirement for the private hire vehicle to display the name of the operator under which it is operating by means of a permanent or semi-permanent sign, or to require a driver to advise the licensing authority of the operator who they intend to work for and require notification in advance of any change.

Where an exclusive relationship exists between the vehicle proprietor, driver and operator, a licensing authority should consider permitting the display of operator details in a discreet manner to not undermine the overall objective of



enabling the public to differentiate easily between taxis and private hire vehicles. This might, for example, be through small branding on the rear of the vehicle.

Restrictions on the use of terms which might lead to confusion among the public are detailed in section 64 of [The Transport Act 1980](#) (<https://www.legislation.gov.uk/ukpga/1980/34/section/64>) in respect of roof-signs; to assist the public in differentiating taxis from private hire vehicles, similar restrictions should be applied to all signage on private hire vehicles. Signs which include the word “taxi” or “cab”, whether singular or plural, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word should not be permitted.

Licensing authorities should only exempt the display of a licence plate by a private hire vehicle in exceptional circumstances. ‘Executive hire’ services are licensed as private hire vehicles and licensing authorities should assure themselves that there is sufficient justification to exempt these vehicles from a requirement to display a plate or disc and that there is an effective means to prevent the vehicle being used for ‘normal’ private hire work.

## 8.13 Passenger capacity

Licensing authorities are responsible for deciding how many passengers a taxi or private hire vehicle is licensed to carry. Whilst the Vehicle Registration Certificate (V5C) issued by the Driver and Vehicle Licensing Agency states the seating capacity of a vehicle, licensing authorities are entitled to restrict the passenger carrying capacity in the interest of convenience and comfort. When considering limiting the passenger carrying capacity on the grounds of comfort, authorities should consider the principles set out in the [Competition and Market Authority’s guidance](#) (<https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition>).

Licensing authorities should consider whether there may be a safety risk for passengers in terms of ‘third row’ seats, if passengers must move other seats with which they are unfamiliar to enter or exit the vehicle in an emergency situation. Should these seats be included in the licensed seating capacity, licensing authorities should require operators to advise passengers in advance that some seats have restricted access and so may be unsuitable for those with mobility difficulties.

Given the benefits of seatbelts, the department considers that taxis and private hire vehicles should not be licensed to carry more people than the number of seatbelts available. Though rear-facing seats do not require a seatbelt, they often are equipped with one. Vehicles that have a designated space for the



carrying of a wheelchair should have this space considered in the vehicle's licensed capacity.

## 8.14 Carrying children

The safest way for a child to travel by car is in an appropriate car seat. It is however unreasonable and impractical for a taxi or private hire vehicle to carry a range of seats to meet the possible needs of all passengers. If the correct child car seat has not been provided, the law allows children to travel in taxis and private hire vehicles, but only if they travel on a rear seat; children under three can travel in a rear seat without a seat belt, and children who are three or older must wear an adult seat belt.

Children aged 3 and over should always count towards the licensed capacity of the vehicle because if an appropriate car seat is not available, they must wear an adult seat belt. Children under the age of 3 do not need to wear an adult seatbelt when an appropriate car seat is not available, so they do not need to count towards the licensed capacity. Licensing authorities should provide advice to licensees on its policy on the carriage of children under three years to provide certainty in terms of overloading and refusal of carriage in such situations.

Further [information on the carriage of children safely in taxis and private hire vehicles has been published by the Royal Society on the Prevention of Accidents \(RoSPA\) \(https://www.childcarseats.org.uk/media/1018/carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf\)](https://www.childcarseats.org.uk/media/1018/carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf) with the support of the Department for Transport. Drivers and operators should be made aware of this guidance to ensure compliance with the law and to protect passengers.

## 8.15 Personal security

The personal security of taxi and private hire vehicle drivers and staff must be considered. [Section 17 of the Crime and Disorder Act 1998 \(https://www.legislation.gov.uk/ukpga/1998/37/section/17\)](https://www.legislation.gov.uk/ukpga/1998/37/section/17) requires local authorities and others to consider crime and disorder reduction while exercising all their duties. Authorities should ensure that security adaptations (for example, partitions in vehicles) do not prevent drivers from fulfilling their legal obligations towards disabled passengers. For example, whilst front seats may not be included in occupancy numbers or generally used by passengers where security screens are fitted, some disabled people may require access to the front seat to complete a journey comfortably and safely, thereby reducing the numbers carried in the back.

To emphasise the reciprocal aspect of the taxi and private hire vehicle services, licensing authorities should make available signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Two [sample notices have been provided for illustrative purposes \(https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/sample-notices-between-taxi-or-private-hire-vehicle-driver-and-passenger\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/sample-notices-between-taxi-or-private-hire-vehicle-driver-and-passenger) but licensing authorities are encouraged to formulate their own, in the light of local conditions and circumstances.

Licensing authorities should seek to build good links between the taxi and private hire vehicle trades and the local police force, including participation in any community safety partnerships.

The [Health and Safety Executive list the installation of CCTV with visible signage as a successful measure to improve safety \(https://www.hse.gov.uk/violence/index.htm\)](https://www.hse.gov.uk/violence/index.htm). Community safety partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and private hire vehicle drivers and control centre staff. It is therefore important that the personal security of those working in the sector is considered.

Other security measures include guidance, talks by the local police and conflict avoidance training. The department has issued guidance for drivers on staying safe:

- [Staying safe: guidance for taxi drivers \(https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-taxi-drivers\)](https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-taxi-drivers)
- [Staying safe: guidance for the private hire vehicle trade \(https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-the-private-hire-vehicle-trade\)](https://www.gov.uk/government/publications/staying-safe-guidance-for-taxi-and-public-hire-vehicle-drivers/staying-safe-guidance-for-the-private-hire-vehicle-trade)

## 8.16 Partitions in vehicles

Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily.

The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986 \(https://www.legislation.gov.uk/ukxi/1986/1078/contents/made\)](https://www.legislation.gov.uk/ukxi/1986/1078/contents/made). In order that the

partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted. The department has published guidance on the [design and fitting of screens to taxis and private hire vehicles](https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs) (<https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs>) not originally designed to have a screen.

Licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## 8.17 In-vehicle visual and audio recording – CCTV

The [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) set-out the department's position on this matter - that CCTV can provide additional deterrence to prevent crime and investigative value when it occurs. The use of CCTV can provide a safer environment for the benefit of taxi and private hire vehicle passengers and drivers by:

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

The statutory standards state that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. The department's view is that CCTV in vehicles can enhance both drivers' and passengers' safety and consideration of the merits of CCTV by licensing authorities must include both aspects.

Licensing authorities should review the [Statutory Taxi and Private Hire Vehicle Standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) for further information on consideration of mandating CCTV in taxis and private hire vehicles.

## 8.18 Emergency equipment

The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.

The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

## 8.19 Vehicle testing

Licensing authorities must only license vehicles that are safe. It is therefore appropriate and proportionate that authorities require vehicles to pass rigorous safety checks. There is considerable variation between licensing authorities on vehicle testing, including the related but separate question of age limits. The following can be regarded as best practice.

### Frequency of vehicle tests

The legal requirement is that private hire vehicles which are at least three years old, and all taxis, must be subject to an MOT test or its equivalent at least once a year. Local authorities may obtain a designation from the Secretary of State for Transport to issue 'Certificates of Compliance'. The requirements of the test normally include those in an MOT test but may also include another inspection by a licensing officer to ensure the vehicle meets the relevant local requirements for issuing a taxi or private hire vehicle licence e.g. cleanliness of the vehicle inside and outside, correct plates displayed etc.

An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see [Vehicle age limits](#) or for vehicles owned by proprietors that persistently present vehicles that do not meet the standards required by the authority. More information is also provided in the [Environmental considerations section of this guidance](#).

### Monitoring diligence

Licensing authorities should, where possible, obtain details of the test, including failures. Where testing arrangements do not make the sharing of this information possible, the licensing authority should use GOV.UK to [check the MOT record \(https://www.gov.uk/check-mot-history\)](#) of a vehicle to ascertain if any

vehicle defects were identified during an MOT. Where licensing authorities designate where a vehicle must be inspected, and the outcome is not recorded on the MOT database, the authority should require the tester to provide them with the outcome of the test.

It is expected that diligent monitoring and maintenance of the vehicle condition by proprietors should result in few if any dangerous or minor defects being detected at on-road compliance checks. A vehicle proprietor should ensure that a vehicle is in a safe and satisfactory condition, frequent failures can be raised with the proprietor and authorities can consider whether they are content that the proprietor is taking sufficient action to monitor and maintain the safety of their vehicles.

### **Criteria for tests**

MOT tests ensure that vehicles comply with roadworthiness and environmental standards which contribute to the government's road safety strategy. It seems appropriate to apply the same criteria to taxis and private hire vehicles. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate to set criteria for assessing the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these criteria should not be unreasonably onerous.

### **Number of testing stations**

As the application of the MOT standards is considered appropriate to ensure the mechanical safety of a vehicle it should be accepted that any DVSA approved testing centre is able to conduct this assessment in this respect and that any recent MOT will evidence the fact the vehicle is roadworthy. This approach maximises the testing capacity available to vehicle proprietors and allows licensing authorities to focus their testing capacity on any additional criteria that they consider necessary for taxi and private hire vehicles.

Licensing authorities should ensure that their testing standards are publicised and easily obtainable by applicants for vehicle licences.

## **9. Quantity restrictions of taxi licences outside London**

### **9.1 Legal powers**

The present legal provision on quantity restrictions for taxis outside London is set out in [section 16 of the Transport Act 1985](#) (<http://www.legislation.gov.uk/ukpga/1985/67/section/1>). This provides that the grant of a taxi licence may be refused for the purpose of limiting the number of licensed taxis if, but only if, the licensing authority is satisfied that there is no significant unmet demand for taxi services in their area.

In the event of a challenge to a decision to refuse a licence, the authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

## 9.2 Impacts of quantity restrictions

The Competition and Markets Authority was clear in its 2017 guidance on the [Regulation of taxis and private hire vehicles: understanding the impact of competition](#) (<https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition>) that:

“ Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares.”

Most licensing authorities do not impose quantity restrictions. The department regards that as best practice. Where restrictions are imposed, the department would urge that the matter should be regularly reviewed. The matter should be approached in terms of the interests of the travelling public:

- What benefits or disadvantages arise for them because of the continuation of controls?
- What benefits or disadvantages would result for the public if the controls were removed?
- Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
- Are there alternative ways in which the issue could be addressed?

If alternative measures could be used to achieve the same effect, then the department believes these should be used in preference to quantity restrictions.

It has been observed that where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.



## 9.3 Demand surveys

If a licensing authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey. It will be necessary for the licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. To assist in the inclusion of the taxi and private hire vehicle sector in Local Transport Plans these surveys should, where possible, follow the cycle of their production but should be undertaken at least every 5 years.

The following points should be considered when conducting a survey on quantity restrictions:

- waiting time at ranks
- waiting time for street hailing
- waiting time for telephone/online/app engagement
- latent demand (those that would choose to travel by taxi but do not due to excessive waiting times) peak demand (the most popular times for consumers to use taxis should not be discounted as atypical)
- assessments should consider whether the demand for WAVs has been met

The financing of demand surveys should be paid for by the local taxi trade through general revenues from licence fees. Other funding arrangements may call in to question the impartiality and objectivity of the survey process.

## 9.4 Consultation on quantity restrictions

As well as statistical demand surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups. User groups that typically use taxis (and/or private hire vehicles) the most include people with mobility difficulties, women, older people and those without access to a car. The views of the retail and hospitality sector (including hoteliers, operators of pubs and clubs and visitor attractions) should also be sought and considered, recognising that most taxi (and private hire vehicle) journeys are for leisure and shopping purposes.

The role taxis can play in dispersing the public that have enjoyed the night-time economy should not be ignored. Alongside pre-booked private hire vehicles, taxis may be the only means by which people can return home. Excessive waits for vehicles may lead to conflict among passengers or the increased use of unlicensed, unvetted and uninsured drivers and vehicles, both of which may

then result in increased call upon police resources: they should therefore be consulted on any restrictions.

All local transport plans are expected to promote the use of active or public transport - taxis are frequently used for the 'first and last mile' of longer journeys that could be made using public transport. The views of the providers of other transport modes (such as train operators) should also be sought and considered if a quantity restriction is to be imposed.

All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the level at which the number is set should be set out.

## 9.5 Reviewing quantity restrictions

The department's view is that licensing authorities that elect to restrict taxi licences should review this decision and, if the policy continues, the quantity at least every 5 years and aligned to the production of local transport plans where possible. The department also expects the justification for any policy of quantity restrictions to be included in the local transport plan process where this is their responsibility. Licensing authorities should consider the following questions when considering quantity controls.

Have you considered the government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

### Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis
  - increase waiting times for consumers
  - reduce choice and safety for consumers
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?

- If you have an accessibility policy, how does this fit with restricting taxi licences?

## Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, i.e. potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

## Questions relating to consultation and other public transport service provision

When consulting, have you included:

- those working in the market
- consumer and passenger (including disabled) groups
- groups which represent those passengers with special needs, children and other vulnerable groups
- local interest groups, e.g. hospitals or visitor attractions
- the police
- a wide range of transport stakeholders e.g. rail/bus/coach providers and traffic
- managers

Do you receive representations about taxi availability?

What is the level of service currently available to consumers (including other public transport modes)?

# 10. Taxi fare rates

## 10.1 Legal powers

Licensing authorities have the power to set maximum taxi fares for journeys within their area, and most do so. There is no power to set fares for private hire

vehicles. Unlike most licensing functions, the setting of fares is an executive function, not a council function.

## 10.2 Setting taxi fare rates

Maximum fare rates should be designed with a view to practicality and reviewed regularly, including any variability of the fare rates dependent on time of day or day of the week. Authorities should consider adopting a simple formula for deciding on fare changes as this will increase understanding and improve the transparency of the process for passengers. The Department recommends that in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times.

To ensure that taxi tariffs reflect the costs of the trade they should be reviewed following significant changes in licensing fees and other major costs such as fuel. Regular reviews will assist drivers in maintaining their earnings and so continue to attract those seeking to become taxi drivers and provide existing licensees with greater confidence to remain in the trade and plan for future investment in new vehicles. Regular reviews will also avoid large changes in fares for passengers that infrequent reviews are more likely to result in.

The [Competition and Markets Authority recognised in its 2017 report](https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition) (<https://www.gov.uk/government/publications/private-hire-and-hackney-carriage-licensing-open-letter-to-local-authorities/regulation-of-taxis-and-private-hire-vehicles-understanding-the-impact-on-competition>) the need for licensing authorities to be responsive to patterns of demand, that they:

“ should monitor waiting times and consider adjusting the regulated fare cap to address mismatches between supply and demand. Addressing such mismatches is likely to benefit passengers.”

## 10.3 Price competition in taxi fares

Taxi fare tariffs are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailing; there would be risks of confusion and security problems.

Licensing authorities should however make it clear that published fares rates are a maximum. The growing use of telephone and electronic means to hire taxis means that passengers may benefit from competition and price comparison among taxi intermediaries. It is perfectly legitimate for taxi intermediaries to advertise discounted fares, such as '5% discount from fares.'

## 11. Taxi ranks and roadside infrastructure

Taxi ranks can provide a useful interchange between modes of transport and a focal point for taxis and passengers at peak periods. There are a number of aspects that should be considered when assessing the number and location of taxi ranks, including how ranks contribute to a wider transport policy and its success in delivering accessible transport as disabled users are less able to seek alternatives.

When providing new taxi ranks or redesigning areas of the built environment in which existing ones are located, authorities should seek to locate ranks as close as possible to transport interchanges and other key destinations that they serve in order to minimise walking distances for passengers and follow the Department for Transport's [Inclusive Mobility](https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians) (<https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>) guidance and other sources of best practice in accessible street design. As well as the taxi trade, licensing authorities should seek the views of residents and other interested parties such as businesses in the night-time economy and transport hub operators.

The provision of taxi ranks should be subject to regular review. This will help authorities establish whether a change is required to current provision and how to make necessary amendments to ranks for the benefit of the travelling public. The department's view is that, in the absence of regular engagement with the taxi trade on this issue, a review at least every 5 years strikes the right balance between the burden placed on licensing authorities, being responsive to changes in passenger uptake or changing patterns in people flow and, where possible, alignment with the production of local transport plans.

Taxi ranks late at night can become a hotspot for anti-social behaviour. These problems can be mitigated or even solved through a taxi marshal scheme in busy town and city centres. Such schemes can be jointly funded by taxi drivers and licensing authorities. Marshals can help local authorities support their night-time economy by fostering public confidence in taxis by encouraging users to form an orderly queue, eliminating potential flashpoints and moving people quickly and efficiently. It is also an opportunity to prevent the use of unlicensed vehicles plying for hire.

If feasible, a short-term waiting area for drivers of taxis picking up disabled passengers should be considered. This could be an area of the footway with a kerb assigned as a setting-down/picking-up point for people using taxis that have ramps designed for transfer directly to the footway.

Wheelchair access to most taxis is on the nearside, though some taxis load wheelchair users through the rear door or the far side door. Where taxi ranks are being designed or redeveloped, they should be designed to facilitate access into all vehicle types without creating safety risks for either customers or drivers.

Licensing authorities should work with local authority partners to ensure that vehicle priority measures, parking and waiting restrictions do not prevent disabled passengers from being picked up and/or dropped off close to their origin or destination. Taxi and private hire vehicle drivers, operators and those developing cycling infrastructure play a collective role in ensuring vulnerable road users can reach their destinations safely. The need for inclusively designed cycle infrastructure should be considered so that disabled passengers are able to access the kerbside with ease where possible. The [local transport note guidance \(LTN 1/20 \(https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120\)\)](https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120) supports authorities with the delivery of accessible cycling infrastructure, and further advice can be sought from Active Travel England.

Consideration should also be given to how disabled people relying on taxis and private hire vehicles will gain access to the kerbside on roads where access is prevented, such as areas where bus priority is implemented.

Authorities should also work with the operators of facilities served by a high volume of private hire vehicles to ensure that safe spaces are provided for drivers to collect passengers, without requiring them to navigate busy car parks alone.

Where information is provided at taxi ranks, authorities should consider including directions to nearby public toilet facilities.

## 12. Taxi zones

The areas of some licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones exist for historical reasons, due to local authority boundary changes.

Taxi and private hire vehicle licensing is highly devolved with lower tier local authorities often responsible for administering the regime. The Department recommends the abolition of taxi zones. This would chiefly benefit the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer



choice – for example, if 50 taxis were licensed overall by an authority, but only 25 of them were entitled to ply for hire in each zone. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the authority's area. Abolition of zones can also reduce costs for the authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the authority's area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

It should be noted that, in 2008, the government made a legislative reform order that removed the need for the Secretary of State to approve amalgamation resolutions made by licensing authorities. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the [Local Government Act 1972](https://www.legislation.gov.uk/ukpga/1972/70/contents) (<https://www.legislation.gov.uk/ukpga/1972/70/contents>) – remains the same.

## 13. Flexible transport services

It is possible for taxis and private hire vehicles to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas – though potentially in many other places as well.

The department encourages licensing authorities, as a matter of best practice, to play their part in promoting flexible services to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of the taxi and private hire vehicle trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

The main legal provisions under which flexible services can be operated are:

**Shared taxis and private hire vehicles – advance bookings** (section 11, [Transport Act 1985](https://www.legislation.gov.uk/ukpga/1985/67/contents) (<https://www.legislation.gov.uk/ukpga/1985/67/contents>)):

licensed taxis and private hire vehicles can provide a service at separate fares for passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.

**Shared taxis – immediate hiring** (section 10, [Transport Act 1985](#)

(<https://www.legislation.gov.uk/ukpga/1985/67/contents>): such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not private hire vehicles) can be hired at separate fares by people from ranks or other places that have been designated by the authority. Authorities are required to set up such a scheme if holders of ten per cent or more of the taxi licences in their area ask for one. The passengers pay only part of the metered fare and without pre-booking, but the driver receives more than the metered fare.

**Taxi and private hire vehicle buses** (section 12, [Transport Act 1985](#)

(<https://www.legislation.gov.uk/ukpga/1985/67/contents>): owners of licensed taxis and private hire vehicles can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The vehicle owner can then use it to provide a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxi/private hire vehicle buses can be used for local authority subsidised bus services. The benefits are that the travelling public have another transport opportunity opened for them, whilst taxi and private hire vehicle owners have another business opportunity.

## 14. Local transport plans and strategy

The [Transport Act 2000](#) (<https://www.legislation.gov.uk/ukpga/2000/38/contents>) as amended by the [Local Transport Act 2008](#) (<https://www.legislation.gov.uk/ukpga/2008/26/contents>), requires all local transport authorities in England, excluding London, to produce a Local Transport Plan (LTP), having regard to Government policy.

An LTP is a public facing document that sets out the future of transport in the local authority. LTPs should clearly articulate an integrated transport strategy drawn from a robust evidence base and vision for the local area, and also include an implementation plan that list the policies and interventions that will deliver the strategy.

All modes of transport including taxi and private hire vehicle services have a valuable part to play in the provision of local transport, and so licensing authorities are likely to have a role to play in delivering LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review
- licensing conditions, with a view to safety but also to a good supply of taxi and private hire vehicle services

- how passengers can access services, such as the provision of taxi ranks and safe areas for pick-up and drop-off points
- vehicle suitability and availability for people with disabilities
- vehicle emission standards and the location and capacity of electric vehicle charging infrastructure to support taxis and private hire vehicle to contribute to air quality objectives
- encouragement of flexible services

### The [Greater London Authority Act 1999](#)

(<https://www.legislation.gov.uk/ukpga/1999/29/part/IV/chapter/I/crossheading/the-transport-strategy>) places a similar duty on the Mayor of London. The Mayor must publish a transport strategy to develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London. As above, taxi and private hire vehicle services have a valuable part to play in overall transport provision.

## 15. Tax checks in taxi and private hire vehicle licensing

HMRC introduced a tax registration check (tax check) for renewed applications in England and Wales to drive taxis and private hire vehicles and to operate a private hire vehicle business in April 2022.

An applicant who wishes to renew a licence needs to carry out a tax check. The licensing authority must obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewed licence application.

This aims to address part of the hidden economy by helping applicants for taxi and private hire vehicle driver and operator licences to understand their tax obligations and by making access to the licences they need to trade conditional on completing a tax check.

The rules apply to applications made by individuals, companies and partnerships, including Limited Liability Partnerships. Licensing authorities are required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application.

Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.

An applicant can carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has told HMRC about income earned under the licence. The check verifies that a person has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check is quick and easy to complete, and HMRC has developed a digital system to facilitate it. Additional help is also available to individuals who are digitally excluded or need extra support.

HMRC has published [guidance for licensing authorities and applicants on how to complete checks \(https://www.gov.uk/guidance/changes-for-taxi-private-hire-or-scrap-metal-licence-applications-from-april-2022\)](https://www.gov.uk/guidance/changes-for-taxi-private-hire-or-scrap-metal-licence-applications-from-april-2022).

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Page/Ref no	Item	Change/Review Required	Reason for Review	Options
Front Cover	Version Control	Insert version control.	To monitor review dates (5 years)	Insert version control
3.1	Spelling – Licensing	Ensure Licensing spelt correctly throughout document.		Spellcheck Licensing throughout document
3.2	Authorisation of Officers	Amend any reference to Director of Communities and Environment to Chief Officer – Governance.	To accurately represent scheme of delegation	Amend as appropriate
3.2	Authorisation of Officers	Authorisation of Officers outside the District – not been actioned should change to considered not appropriate.	Same reasons to maintain position.	Amend wording as appropriate
3.3	Training/Competency of Officers/Members	Update Job title.	To accurately represent scheme of delegation	Amend wording as appropriate
4.2.1	Driver Application Requirements	Update disclosure and barring service, training, HMRC and links to webpages.	Update to reflect current process	Amend wording as appropriate
4.2.1	Driver Renewal Applications	Update HMRC requirements	Update to reflect current process	Amend wording as appropriate
4.4.1	Driver Criminality checks	DBS – Review content in light of new third-party provider of checks	Update to reflect current process	Amend wording as appropriate
4.4.2	Ongoing Criminality Monitors for Licensed Drivers	DBS – Review content in light of new third- party provider of interim checks	Update to reflect current process	Amend wording as appropriate
4.5	Driver Medicals	Check Links to Guidance	Ensure Information is up to date/relevant	Update as required
4.6	Practical Driving Assessment Requirements	Check Links to Guidance	Ensure Information is up to date/relevant	Update as required
4.7	Driver Training Requirements	Review and update content of training requirements	Update to reflect current process	Amend wording as appropriate
5.2.3	Notification of Transfer of Vehicle Licence	Update paragraph to include fee requirement	Update to reflect current process	Amend wording as appropriate
5.2.4	Application to Change a Vehicle on a Vehicle Licence	Update wording to strengthen understanding and application requirements	Clarity for licence holders, Officers and third parties.	Amend wording as appropriate

5.5	Emission Standards	Are aspirations realistic/achievable in current market and infrastructure available locally to support licensed trade usage.	To ensure licensed trade are clear on aspirations and can plan ahead when sourcing replacement vehicles	From January 2025 only issue new licences to Euro 6 compliant vehicles.  From January 2030 only issue new licences to zero emission vehicles.  Amend wording as appropriate
5.12	Tuk-Tuks/Pedicabs	Review wording/permission	Licensing Committee agreed in principle to licence pedicabs as HC vehicles	Amend wording as appropriate
5.14	CCTV	Review CCTV Arrangements/Consideration on Mandatory Requirements	Complaints received, severity of incidents, would CCTV help?	Amend wording as appropriate
5.15	Dual Plating	1 Vehicle Operator/Working for another Operator	To allow drivers greater freedoms	Amend wording as appropriate
5.16	Livery of Vehicles	Review/Implement Roof-sign Requirements	108 Roof-sign are in storage, been paid for via Licensing Fees.	Amend wording as appropriate
5.17	Child Seats in Vehicles	Review Information provided	To ensure Information is up to date and factually correct	Amend wording as appropriate
5.22	Issues Specific to Hackney Carriage Vehicle Licensing	Review Introduction of 2 x available Hackney Carriage Vehicle Licences	No interest in licences. Consider removal of zero emission, maintain mandatory wheelchair accessible requirements	Amend wording as appropriate
6.2	Private Hire Operator Application Process New and Renewal	Include HMRC Requirements	Legal Requirement and Update will reflect current process	Amend wording as appropriate
6.5	Private Hire Operator Licensing Conditions	Review wording – new conditions implemented	Update to reflect current position	Amend wording as appropriate
7.2	Complaints about Hackney Carriage and Private Hire	Firm up number of incidents/occurrences before referral to Licensing Committee	Members, Officer and Licence Holders will be clear on expectations	Amend wording as appropriate



7.3	Complaints about Licensing Service	Align content with Council corporate complaint policy	Members, Officer and Licence Holders will be clear on expectations	Amend wording as appropriate
7.4	Service Requests	State response time for service (5 working days)	Members, Officer and Licence Holders will be clear on expectations	Amend wording as appropriate
7.9	Data Sharing/NR3 (Refusals Register)	Update requirements to check each applicant against the register upon new/renewal application	Refusals/Revocations Register now a legal requirement	Amend wording as appropriate
Appendix A	Guidelines on the Relevance of Convictions, Cautions, and Conduct.	Drivers – Update DBS Requirements	Update to reflect current process	Amend wording as appropriate
		Private Hire Operators – Review DBS Requirements for Directors, Currently Annual, Consider aligning with Licensing Requirements (5 years)	Too onerous on operators, majority are licensed drivers so have update service.	Amend wording as appropriate
	Review Standards for Categories of Crimes and <b>minimum</b> period of time lapse before licensing is considered	Crimes resulting in death – no licence Exploitation – no licence Violence – 10 years Possession of weapon – 7 years Sexual/Indecency or Sex Offenders Register– no licence Dishonesty – 7 years Drugs – supply – 10 years, possession 5 years Discrimination – 7 years Motoring Convictions Drink/Drug – 7 years Phone use – 5 years Minor (7 points or less) – 5 years Major – 7 years Hackney Carriage/Private Hire Offences – 7 years Vehicle use – 7 years	Protect Public Safety  Members, Officer and Licence Holders will be clear on expectations	Members are asked to consider each category and confirm whether to maintain, reduce or increase minimum standards.

Appendix C	Annual Report	Are members content with contents, would preference be to receive bi-annual reports on all activity or just Taxi/PH Licensing.	To ensure members receive relevant information and updates regarding the licensing service	Members to review content of annual report, level of detail and determine whether to adjust frequency or reporting.
Appendix I	PHV Specification	Emission Standards	Members, Officer and Licence Holders will be clear on expectations	Amend wording as appropriate
Appendix J	HCV Specification	Emission Standards	Members, Officer and Licence Holders will be clear on expectations	Amend wording as appropriate
		Roof-sign requirements	Members, Officer and Licence Holders will be clear on expectations	Amend wording as appropriate
Appendix K	Vehicle Inspection Template	Incorrect heading	Incorrect heading/misleading	Amend heading as appropriate
Appendix L/M	Licence Plate Position	Trade Request	Members, Officer and Licence Holders will be clear on expectations	Determine suitable alternative positioning
Appendix P	PHO Conditions	D1 Private Hire Operators – Review DBS Requirements for Directors, Currently Annual, Consider aligning with Licensing Requirements (5 years)	Too onerous on operators, majority are licensed drivers so have update service.	Amend heading as appropriate
		E1 Safeguarding – Provide clarity for PHOs as to who is responsible for determining base staff suitability	Provide PHO licence holders with clarity on responsibilities	Amend heading as appropriate

**LICENSING COMMITTEE****Pavement Licence Policy****27 June 2024****Report of Licensing Manager****PURPOSE OF REPORT**

The Levelling Up and Regeneration Act 2023 made the provisions of the Business and Planning Act 2020 permanent with effect from 31 March 2024. This includes pavement licensing, as such there is a need for Licensing Committee to update the current pavement licence policy and set fees for new and renewal applications.

**This report is public.**

**RECOMMENDATIONS**

- (1) That members approve the updated pavement licence policy and,
- (2) Set a fee for new and renewal applications, allowing for full cost recovery.

**1.0 Introduction**

- 1.1 The Business and Planning Act 2020 introduced provisions designed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors, maximising their ability to trade, assisting them to operate safely and promoting economic recovery in response to the impact of the global COVID-19 pandemic.
- 1.2 The act created a regime for processing applications for 'pavement licences' to authorise businesses such as cafes, restaurants and bars to place furniture on the highway. This was a fast-track procedure to get the same permissions a business would previously have had from a Part 7A Highways Act permit, street trading consent and planning permission (change of use).
- 1.3 The Levelling Up and Regeneration Act 2023 made the provisions of the Business and Planning Act 2020 permanent with effect from 31 March 2024.
- 1.4 The provisions of the Business and Planning Act 2020 allow Licensing Authorities greater local control over the pavement licensing regime, including local application standards, locally set fees and specific enforcement powers, which were not available as a compliance tool with the temporary provisions.
- 1.5 The guidance issued can be viewed at **Appendix 1**.
- 1.6 The Councils Pavement Licence Policy has been updated to reflect the permanent

provisions, attached at **Appendix 2** for members attention.

## **2.0 Transitional Details**

- 2.1 Existing pavement licences granted under the Business and Planning Act 2020, prior to the commencement date of the permanent regime, will remain valid until the expiration date on the licence, given to them by the licensing authority. Once this has expired, businesses will need to apply for a new licence. Licensing authorities should treat this as a renewal application if it is made by the licence-holder, it is in respect of the same premises and it is on the same terms as the expired licence.
- 2.2 Licences determined before the 31 March 2024 will be subject to the enforcement powers set out in the permanent regime. Any pavement licence that was granted under the Business and Planning Act 2020 before the commencement date with no limit on its duration, or that was deemed to be granted will expire 2 years from the commencement date.
- 2.3 Any permission that was granted by a council under the Highways Act 1980 before the commencement date will continue under that legislation. Applications made (and submitted to the local authority) on or before 30 March 2024 but determined on or after 31 March 2024 will be subject to a 7-day consultation, 7-day determination period. The maximum fee that can be charged for applications during this timeframe is £100. However, these licences can be granted for up to 2 years.
- 2.4 From the commencement date, a council may not grant an applicant permission to do anything which is capable of being authorised by a pavement licence under the Business and Planning Act 2020. Lancaster City Council are no longer issuing permissions under the Highways Act 1980 referred as a Street Café Licence, instead assisting applicants to complete a permanent pavement licence application.
- 2.5 Since the introduction of the permanent regime, Licensing have received a handful of new pavement licence applications, these have been administered in line with the above arrangements. The majority of current pavement licences expire on 30 September 2024; so there is a need to approve the updated policy and fee structure to allow for a swift renewal.

## **3.0 Fee Setting – New/Renewal**

- 3.1 The legislation allows fees to be set locally, and it is for the Licensing Authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.
- 3.2 The temporary arrangement pavement licence fee was capped at £100.00, which did not cover the true cost of administering and processing the application then monitoring compliance. The application process is considerable with significant important matters to consider, including scrutiny of plans/equipment and spacing requirements. There are issues in the town centres of Morecambe and Lancaster regarding street furniture from time to time with Officers requiring to visit the areas to speak with licence holders and reaffirm conditions of licence. The enforcement powers now available to authorised Officers will assist with managing non-compliance.
- 3.3 A cost-setting exercise has been undertaken for new and renewal pavement licence applications for 2024/25, with a recommended fee that should work to achieve full cost recovery (based on previous knowledge of Officer activity)

The recommended fees are £500 (2-year new application) and £350 (2-year renewal application), the difference is attributed to a streamlined renewal process so documents submitted (checked previously) can be utilised for the renewal application process.

#### 4.0 Options available for members

Options available for members

- a) Approve the updated pavement licence policy with or without modification, and
- b) Set a fee for new and renewal applications with a view to achieving full cost recovery.

#### 5.0 Conclusion

5.1 The Business and Planning Act 2020 was passed to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

5.2 The process introduced a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. The aim of the legislation was to support businesses to operate safely while social distancing measures remained in place and to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The Levelling Up and Regeneration Act 2023 now makes permanent the provisions set out in the Business and Planning Act and all applications received after 31 March 2024 will be administered under the new regime.

5.3 The legislation allows Local Licensing Authorities to set fees locally, and wherever possible, to achieve full cost recovery, which until now has not been possible via the temporary arrangements.

5.4 The existing Pavement Licence Policy has been updated to reflect changes to the previous temporary provisions. The Licensing Manager has undertaken a cost setting exercise to set new and renewal fees, using previous service knowledge and experience in delivering the administration and monitoring of pavement licensing to Lancaster City Council.

5.5 Members are reminded to make full and detailed reasons for their decision(s)

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

Each pavement licence application is determined on its own merits and subject to a public consultation, by way of public notice affixed to the premises. Additionally, Lancashire

Highways Authority, Lancashire Police or Environmental Protection may object to the grant of a licence.

**LEGAL IMPLICATIONS**

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 appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application and address the concerns raised in the original application

**FINANCIAL IMPLICATIONS**

As far as reasonably practicable, Licensing fees should be set with the aim to achieve full cost recovery, including the administration and monitoring of that licence throughout its duration.

It is important to note that one area of Licensing should not subsidise another, nor should Licensing Authorities seek to recover surplus/deficits from previous years.

**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**

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**Ref:** Pavement2024/25



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[Department for  
Levelling Up,  
Housing &  
Communities](#)

Guidance

# Pavement licences: guidance

Published 2 April 2024

## Applies to England

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# 1. Pavement licences

## 1.1 What is a 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 place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly. Licences that are deemed to have been granted, should remain in place for such period as the local authority may specify in the licence, with a maximum limit of two years. Existing licences with no end date are extended to 2 years from the commencement date. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

## 1.2 What is the purpose of the Business and Planning Act 2020 process for pavement licences?

The Business and Planning Act process provides a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

## 1.3 What does the Levelling Up and Regeneration Act do to the pavement licensing regime?

The Levelling Up and Regeneration Act makes permanent the pavement licensing regime under the Business and Planning Act 2020, with a number of changes. The Levelling Up and Regeneration Act introduces a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods, lengthens the maximum duration of licences and provides local authorities with new powers to remove unlicensed furniture.

## **1.4 How does the process for pavement licences work?**

Permission to place objects or structures on the highway are otherwise granted primarily under Part 7A of the Highways Act 1980. The fee for the Highways Act process varies between local authorities, and there is a minimum 28 calendar day consultation period. The Business and Planning Act process provides a cheaper, easier, and quicker way for businesses to obtain a licence. The fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals and the public consultation period is 14 days (excluding public holidays), starting the day after the application is sent electronically to the authority.

If the local authority does not determine the application before the end of the determination period (which is 14 days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted for two years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

## **1.5 What businesses are eligible?**

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 including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

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.

Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible. Though they can apply for permission to place furniture on the pavement under the Highways Act 1980.

## **1.6 What furniture can be permitted by a licence?**

The furniture which may be placed on the pavement include:

- 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.

This furniture is required to be removable and related to the serving, sale and consumption of food or drink. Local authorities should be pragmatic when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away at night.

## **1.7 What furniture is not permitted by a licence?**

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.

Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

Applicants that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

## **1.8 How much do applications cost?**

Fees will be set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.

## **1.9 Are there any exclusions from this provision?**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footways restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under section 249(2) or 249(2A) of the Town and Country Planning Act 1990, extinguishing the right to use vehicles on the highway, is required.

## **1.10 Where does this new process apply?**

This process applies to England only, including London and other areas where statutory regimes other than the regime in the Highways Act 1980 may be relevant to the grant of licences for street furniture.

## **1.11 Which authority can exercise pavement licence functions?**

Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of their functions by a committee, a sub-committee, or an officer of the authority, or by any other local authority. This means that the executive of a local authority can delegate decisions to a committee, or officer of the authority. They may also wish to delegate the functions to another authority, for example to a County Council in a two-tier area.

## **1.12 How does this interact with other regulatory process, such as alcohol licensing?**

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses.

Temporary amendments to the Licensing Act 2003, under the Business and Planning Act 2020, allow the sale of alcohol by eligible holders of an on-sale licence for consumption off the premises without needing to apply for a variation of their licence. These temporary amendments apply if the premises had a licence that permitted sales of alcohol only for consumption on the premises on 22 July 2020, and the premises still retain that licence. More details can be found in the [guidance accompanying the Business and Planning Act 2020 \(https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill\)](https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill). This is currently in place until 31 March 2025. It will remain legally independent and separate from the pavement licences process.

Local authorities must have regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the new licensing regime, which includes the need to have due regard to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to

have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

### **1.13 Does the applicant need planning permission as well as the licence?**

No. 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.

## **2. Duration**

### **2.1 How long are pavement licences valid for?**

If a local authority determines an application before the end of the determination period (which is 14 calendar days, beginning with the first day after the end of the public consultation period, excluding public holidays), the authority can specify the duration of the licence. To help support local businesses and give them more certainty, the expectation is that local authorities are pragmatic and will grant licences the maximum 2 years, unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two years starting with the first day after the determination period. However, if, when implemented, a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

### **2.2 When will the permanent pavement licensing come into force?**



The permanent pavement licensing regime and changes provided for in Levelling Up and Regeneration Act will come into effect on 31 March 2024 (the commencement date). This means that local authorities are able to grant pavement licences to new applicants under this regime effectively immediately from this date.

## **2.3 How long will the pavement licensing process set out in the Business and Planning Act be in place?**

The process set out in the Business and Planning Act is made permanent as amended by the Levelling Up and Regeneration Act.

# **3. Applications**

## **3.1 What information does an applicant need to provide?**

An application to the local authority must:

- specify the premises and, the part of the relevant highway to which the application relates;
- specify the purpose (or purposes) for which the furniture will be used which must be for use by the licence-holder to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
- describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
- specify the date on which the application is made;
- contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require; and
- contain or be accompanied by such other information or material as the local authority may require, for example how national and local conditions have been satisfied.

Local authorities may require applications to be made on a standard application form.

### **3.2 What other information may the local authority require?**

Local authorities may require the applicant to provide other information or material to help them make a swift determination. This could be included in their standard application form. Publicising information requirements, and applicants ensuring that they have provided all relevant information to meet these requirements, is beneficial to all parties involved in the process and can speed up decision making. Any requirements imposed should be reasonable and should be kept as minimal as possible. Examples of the information a local authority might require include:

- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (some authorities may require this on an OS Base Map);
- 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 proposed duration of the licence (for e.g. 3 months, 6 months, a year etc.);
- evidence of the right to occupy the premises e.g. the lease;
- contact details of the applicant;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photograph);
- (if applicable) reference of existing pavement licence currently under consideration by the local authority
- any other evidence that shows how the furniture to be introduced is in accordance with national guidance regarding accessibility (such as use of good colour contrast, suitable physical barriers around chairs and tables and or other appropriate measures); and
- any other evidence needed to demonstrate how any local and national conditions will be satisfied, including the 'no-obstruction' national condition.

### **3.3 What are the transitional arrangements?**

Existing pavement licences granted under the Business and Planning Act 2020, prior to the commencement date, will remain valid until the expiration date on the licence, given to them by the licensing authority. Once this has expired, businesses will need to apply for a new licence. Licensing authorities should treat this as a renewal application if it is made by the licence-holder, it is in respect of the same premises and it is on the same terms as the expired licence.

Licences determined before the 31 March 2024 will be subject to the enforcement powers set out in the permanent regime.

Any pavement licence that was granted under the Business and Planning Act 2020 before the commencement date with no limit on its duration, or that was deemed to be granted will expire 2 years from the commencement date. Any permission that was granted by a council under the Highways Act 1980 before the commencement date will continue under that legislation.

Applications made (and submitted to the local authority) on or before 30 March 2024 but determined on or after 31 March 2024 will be subject to a 7-day consultation, 7-day determination period. The maximum fee that can be charged for applications during this timeframe is £100. However, these licences can be granted for up to 2 years.

### **3.4 How should applications for renewals of licences granted under the temporary provisions be submitted?**

To obtain a licence for any period after 31 March 2024, a new application will need to be made even if the premises already had a licence until 31 March 2024.

An application will need to have been made after the commencement date for it to be treated as a renewal. Local authorities are encouraged to take a proportionate approach to information requirements for businesses seeking a new pavement licence where a licence has existed, so that this is as convenient as possible for businesses and members of the public. An example of a proportionate approach could be allowing applicants to re-use application material from their original application, updating where relevant to ensure they still comply with local and national conditions.

Businesses who have had a licence under the previous regime and are seeking a new licence should be treated as a renewal application if it is made by the licence-holder, it is in respect of the same premises and it is on the same terms as the expired licence.

### **3.5 Can licensable activities still be granted under the Highways Act?**

Any licence applications for activities in England licensable under pavement licensing legislation in the Business and Planning Act 2020 must be granted under the Business and Planning Act 2020 (as amended by section 229 of and schedule 22 to the Levelling Up and Regeneration Act). They should not be granted under the Highways Act 1980.

Applicants will still need to apply for permission to carry out activities not licensable under the Pavement Licensing regime, under the Highways Act 1980. Example of such activities include the placement of furniture that is not removeable, such as bolted to the ground or cannot be reasonably removed, or placement of furniture other than tables, chairs or stools on the highway.

### **3.6 What happens if an applicant has already made an application under the Highways Act 1980 regime?**

It remains open for an applicant to apply for permission to place furniture on the highway under the Highways Act 1980. If the applicant has applied for permission under the Highways Act before the commencement date, but the Highways Authority has not determined the application, the applicant can instead apply for a pavement licence under the Business and Planning Act 2020. In those circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application was paid the authority will not be permitted to charge a fee for the new application for a pavement licence.

From the commencement date, a council may not grant an applicant permission to do anything which is capable of being authorised by a pavement licence under the Business and Planning Act 2020.

### **3.7 What happens if an applicant has already made an application under the Business and Planning Act 2020 regime?**

Licences applied for prior to the commencement date, but not yet determined by the local authority until after the commencement date, will be subject to the 7-day consultation and 7-day determination period. Though the maximum duration a local authority can grant the licence can be up to 2 years.

## 4. National conditions

The 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted; these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

### 4.1 How can the local authority and applicant consider the needs of disabled people when considering whether the requirements of the no-obstruction condition are met?

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.2 of [Inclusive Mobility](https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians) (<https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>) - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of

furniture within the pavement licensing regime, therefore, should not be used as a barrier;

- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places duties on local authorities, to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who don't.

## **4.2 What is reasonable provision for seating where smoking is not permitted?**

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.

- Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

### **4.3 Where an authority has set a local condition covering the same matter as a national condition, which take precedence?**

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition would take precedence over the national condition where there is reasonable justification to do so.

## **5. Determining the application**

### **5.1 What happens once the information is submitted to the local authority?**

Once the information is submitted to the local authority, the authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 calendar days for public consultation, and then 14 calendar days to consider and determine the application after the consultation.

If the local authority does not determine the application within the 14-day determination period, the application will be deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

### **5.2 What will a local authority consider when deciding whether to grant a pavement licence?**



The local authority will need to consider a number of factors, when determining whether to approve the application. These include whether local conditions might be needed to make it possible to approve an application which would otherwise be unacceptable.

The Secretary of State may specify conditions for pavement licences, in Regulations (although to date there has not been a need to do so). This is in addition to the statutory 'no obstruction' condition referred to in sections 5(4) and 3(6) of the Business and Planning Act 2020 Act and 'smoke-free' seating condition.

Authorities are encouraged to publish local conditions subject to which they propose to grant pavement licences so that applicants and those making representations are aware of them. When considering their powers in relation to local conditions they should bear in mind the requirements of the no-obstruction condition and the smoke-free seating condition. They should also take into account any national conditions which may be specified in the future in Regulations.

When setting local conditions and determining applications, issues authorities will also want to consider include:

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, and litter;
- 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:
- considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people
- 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 fixed structures in place on the footway that already reduce access; and
- other users of the space, for example if there are high levels of pedestrian or cycle movements.

### **5.3 How can local authorities consider security?**

When considering public health and safety, local authorities should seek to ensure a balanced consideration for security implications, particularly the risk to

groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. The impact of several pavement licences in an area may result in larger, distributed, or dense crowds of people. Local authorities should factor this into the security planning process and ensure the [overall security arrangements for an area are adapted as appropriate](https://www.protectuk.police.uk/) (<https://www.protectuk.police.uk/>). Examples of appropriate measures could include increased CCTV surveillance, manned guarding, vehicle security barriers and ACT (Action Counters Terrorism) training for businesses. Find more information about [ACT Awareness Products](https://www.protectuk.police.uk/catalogue) (<https://www.protectuk.police.uk/catalogue>).

Local authorities should consider consulting with Police Licensing Teams, Designing Out Crime Officers and Counter Terrorism Security Advisors for relevant advice.

Additional [guidance is available for managing the most common security implications](https://www.protectuk.police.uk/user/login?destination=/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security) (<https://www.protectuk.police.uk/user/login?destination=/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security>) and how to protect crowds and [queues of people](https://www.cpni.gov.uk/system/files/documents/cd/70/CPNI%20and%20NaCTSO%20Advice%20Note%20-%20Protecting%20pedestrian%20queues%20from%20Vehicle%20As%20a%20Weapon%20Attack%2015%20Sept%202020%20V02.pdf) (<https://www.cpni.gov.uk/system/files/documents/cd/70/CPNI%20and%20NaCTSO%20Advice%20Note%20-%20Protecting%20pedestrian%20queues%20from%20Vehicle%20As%20a%20Weapon%20Attack%2015%20Sept%202020%20V02.pdf>). This includes information on suggested Counter Terrorism licence considerations, which local authorities are encouraged to consider when determining pavement licence applications.

## **5.4 Can local authorities impose conditions which are not published?**

Yes. When they grant a licence, local authorities may impose reasonable conditions whether or not they are published upfront. There is an expectation these will be supported by a clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this. Conditions imposed by the local authority should be proportionate and tailored to the applicant's premises.

## **5.5 How can local authorities and applicants maintain outdoor spaces safely, following confirmation of the removal of social distancing measures?**

There are no COVID-19 restrictions in the UK and since 19 July 2021, social distancing guidance no longer applies. This means that local authorities and businesses are not expected to adhere to COVID-19 regulations and do not need to implement social distancing (2m or 1m+) and the public do not need to keep apart from people they don't live with. However local authorities and businesses may wish to consider that some people may make a personal choice and limit their close contact with others. Businesses still have a legal duty to manage risks to those affected by their business. The way to do this is to carry out a health and safety risk assessment and to take reasonable steps to mitigate the risks businesses identify from the assessment.

## **5.6 What are the outcomes of an application?**

If the local authority 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,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

To the extent that conditions imposed on a licence by the local authority do not have the effects specified in the statutory conditions (see [paragraph 4.1](#) and [paragraph 4.2](#)) the licence is granted subject to those requirements.

## **5.7 Is there a route to appeal a decision?**

There is no statutory appeal process for these decisions, however, councils may wish to consider the scope for an internal review process, for example permitting appeals to their Licensing committee.

# **6. Consultation**

## **6.1 What steps should an applicant take to engage with their community?**

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice remains in place for the duration of the public consultation period which is the period of 14 days beginning with the day after the day the application is submitted to the authority. When counting 'days' public holidays are not included. Applicants are encouraged to keep evidence of this. Applicants are encouraged to engage with any services operated in the vicinity for vulnerable customers, for example, care home or disability organisations nearby where individuals may be at particular risk.

## **6.2 What must a notice contain?**

The notice must:

- be in the form which the local authority prescribes, if it prescribes one;
- state that the application has been made and the date on which it was made;
- indicate that representations relating to the application may be made to that local authority during the public consultation period and when that period comes to an end; and
- contain such other information or material as that local authority may require, for example a description of how the applicant will adhere to the national conditions.

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

## **6.3 What information may local authorities require to be displayed on the site notice?**

The local authority may require that other information is included in the notice such as:

- the statutory provisions under which the application is made;
- description of the proposed use of the furniture;
- address of the premises and name of the business;
- website for the council where the application and any accompanying material can be viewed during the consultation period;
- address (which might be an email address) to which representations should be sent during the consultation period.

A template site notice local authorities may wish to adapt is contained in [Annex A \(https://www.gov.uk/government/publications/pavement-licences-draft-guidance\)](https://www.gov.uk/government/publications/pavement-licences-draft-guidance).

## **6.4 Who must local authorities consult?**

The local authority must consult the highways authority to which the application relates, if they are not the highways authority; this is usually the County Council in a two-tier area. Transport for London is the highway authority for some roads in London. For security advice, local authorities should consult Police Licensing Teams, Designing Out Crime Officers or Counter Terrorism Security Advisors. The authority must also consult such other persons as the local authority considers appropriate.

## **6.5 How can members of the public make representations about the application?**

Members of the public can contact the council to make representations. Local authorities must take into account representations received from members of the public during the public consultation period, which is the period of 14 days starting the day after the application is submitted. In order to promote accessibility to those unable to access printed notices, Local authorities are encouraged to consider using digital methods of publicity. They should also consider the needs of those who may find it more difficult to access online publications and should consider ensuring that all formats of consultation are available at the same time, so that all representations can be considered equally.

## **6.6 How must local authorities publicise the application and seek representations from local communities and other stakeholders?**

The local authority is required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, in such a manner as it considers appropriate, for example, on their website or via an online portal.

The local authority is also required to publicise the fact that representations may be made during the public consultation period and when that period comes to an end. Local authorities might consider using digital methods of publicity,

such as automatic notices, which members of the public can opt in to receive. In deciding what steps to take local authorities should consider the needs of those who may find it more difficult to access online publications.

When publishing applications and publicising the fact that representations can be made, authorities will need to have regard to their duties under the Equality Act 2010 and will need to meet the requirements in the Public Sector Bodies (Websites and Mobile Applications) (No 2) Accessibility Regulations 2018, and therefore ensure that these are made accessible.

## **7. Enforcement**

### **7.1 In what circumstances can the local authority enforce or revoke a licence?**

If a condition imposed on a licence (either by the local authority or nationally) is breached, the local authority will be able to issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the local authority may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing. Local authorities are encouraged to regularly review licences and enforce any breaches.

The authority may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

1. If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licenced area (or road adjacent) is no longer to be pedestrianised.

2. Or if there is evidence that:

- there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
- this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or

- the use is causing, or risks causing, anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.

The local authority may revoke a licence in the following circumstances:

1. For a breach of condition, (whether a remediation notice has been issued or not) or
2. 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
3. The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period.

It is good practice for local authorities to give reasons where these powers are used.

## **7.2 When can furniture be removed?**

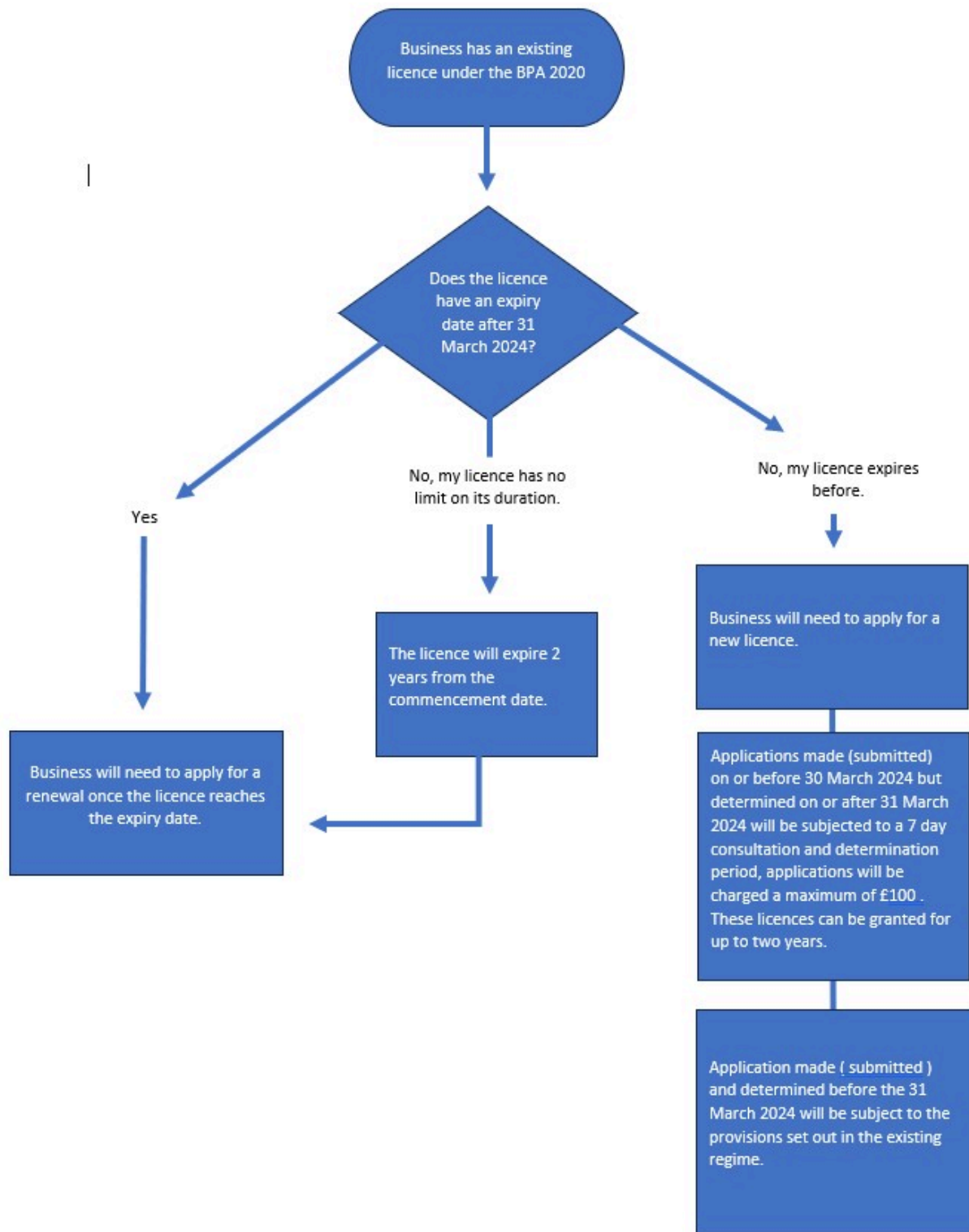
In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, local authorities can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

If furniture continues to be placed on the highway, in violation of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

# **8. Annex**

## **8.1 Transitional arrangements flowchart**





**Accessible version**

Business has an existing licence under the BPA 2020

Does the licence have an expiry date after 31 March 2024?

**If yes:**

Business will need to apply for a renewal once the licence reaches the expiry date.

**If no, my licence has no limit on its duration**

The licence will expire 2 years from the commencement date.

Business will need to apply for a renewal once the licence reaches the expiry date.

**If no, my licence expires before:**

Business will need to apply for a new licence

Applications made (submitted) on or before 30 March 2024 but determined on or after 31 March 2024 will be subjected to a 7 day consultation and determination period, applications will be charged a maximum of £100 . These licences can be granted for up to 2 years.

Application made (submitted) and determined before the 31 March 2024 will be subject to the provisions set out in the existing regime.

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**Lancaster City Council**

**Pavement Licensing Policy**

**Business and Planning Act 2020**

Author	Licensing Manager
Document Name	Pavement Licensing Policy (Business and Planning Act 2020)
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Responsible for review	Licensing Manager

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## **1. Introduction**

The Business and Planning Act 2020 (“the Act”) was passed to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Sections 1 to 10 of the Act created a temporary regime for the issuing of “pavement licences” by appropriate local authorities. Lancaster City Council (“the Council”) is the appropriate local authority for issuing pavement licences in the administrative area covered by the Council. The process introduced a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway.

The aim of the legislation was to support businesses to operate safely while social distancing measures remained in place and to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The Levelling Up and Regeneration Act 2023 now makes permanent the provisions set out in the Act and all applications received after 31 March 2024 will be administered under the new regime.

## **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 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.

### **2.3 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).

## **2.4 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.

## **2.5 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.

## **2.6. Existing tables/chairs**

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

Any existing tables/chairs that have been placed on the highway without permission under Part 7A of the Highways Act 1980 will require licensing under this regime.

## **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 completed application form:

- A plan showing the location of the premises marked 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 of furniture to be placed 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.
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.

- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- 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,

An application will not be considered complete (valid) until the application form and all required documents have all been received. The public consultation period will not commence until the day after a complete application has been made.

All expired licences will be treated as new applications. If a licence holder applies for a renewal before the expiration of the existing licence, this will be treated as a renewal. The applicant must advertise the application for a period of 14 days. If the application is for the same layout only a copy of the public liability insurance will be required. If there is a change to the original layout, all documents will be required (e.g. plan, photographs of furniture etc.). A fee will be due in both cases

### **3.2 Fees**

The Council has determined that the fee for new applications will be £500.

The Council has determined that the fee for renewal applications will be £350.

### **3.3 Consultation**

Applications are consulted upon for 14 days, starting on the day after a valid application is received by the Council.

The Council will publish details of the application on its website at [www.lancaster.gov.uk](http://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](mailto: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.



### 3.4 Site Notice

The applicant must, on the day the pavement licence application is made, fix a notice of the application to the premises so that it 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 having been complied with must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and the name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (14 days starting the day after the valid application is submitted to the Council).

A Site Notice template is shown as **Appendix 1**.

### 3.5 Site Assessment

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

- public health and safety – appropriate equipment proposed, suitable barriers etc,
- 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 as set out in Section 4.2 of Inclusive Mobility ([Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK \(www.gov.uk\)](http://www.gov.uk))
  - the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up of furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people, and

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 to the Council, and to take any issues around noise, and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have also to place tables and chairs on the highway and plans for customers to queue outside.

### **3.6 Determination**

Once the valid application is submitted the Council has 28 days from the day after the application is made (excluding public holidays) to consult upon and determine the application. This consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation end date.

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

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

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

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

### **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**

If the Council determines an application before the end of the determination period (which is 14 days, beginning with the first day after the public consultation period, excluding public holidays) the Council can specify the duration of the licence, subject to a minimum duration of three months.

The expectation from the Government is that Councils will grant licences for 24 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications for a two-year period.

If a licence is 'deemed' granted because the Council does not make a decision on an application before the end of the determination period, then the licence will be valid for two years starting on the first day after the determination period.

### **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 appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application and address the concerns raised in the original application.

## **4. Conditions**

The Council's standard conditions can be found at **Appendix 2**.

In some cases, extra measures may be required. This will be determined when assessing any application, on a case-by-case basis, and the Council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions.

The two conditions are:

- a no-obstruction condition
- a smoke-free seating condition

The Act also allows for the Secretary of State to produce, via Regulations, conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a Council sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

## **5. Enforcement**

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case 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 and Alcohol and Entertainment Licensing. An applicant must ensure such permissions 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 can give notice to businesses that have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture, and refuse to return the furniture until those costs have been paid. If within three months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

The Council can amend a licence in certain circumstances with the licence holder's consent.

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 – layout changes, including misuse of barriers.
- the highway is being obstructed (other than by anything permitted by the licence);
- there is anti-social behaviour 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.

4. Any requests for revocation will be raised by the Officer and determined in consultation with the Chair of the Licensing Sub-Committee and Licensing Manager.

## **6. Review Procedures**

This Policy covers the Permission for Pavement Licences under the Business and Planning Act 2020. It will be reviewed every 5 years or updated to reflect changes to legislation as and when required.

**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 **(Insert 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 [Licensing applications received - Lancaster City Council](#)

Any person wishing to make representations to the Council regarding this application may do so by emailing [licensing@lancaster.gov.uk](mailto: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 14 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**

Please note that these conditions are not an exhaustive list.

Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

- The Licence will have effect for 2 years unless otherwise agreed.
- The issue of a License does not give or imply any permission to sell intoxicating liquor in the street. A separate premises licence will be required.
- The Licence shall be displayed in the window of the premises to which it relates.
- The use of the Licensed Area shall cease before 22.00 hours each day and shall not commence prior to 09.00.
- 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.
- 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 Chief Officer – Public Realm. The Council reserve the right to request the clearing of the licensed area if required for special one-off events for public safety.
- The Licence shall be rendered invalid, should the Licensee cease to own the premises or cease employment.
- The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £2 million.
- 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.
- The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will: prevent traffic, other than vehicular traffic, from:

- 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),
- passing along the relevant highway, or
- having normal access to premises adjoining the relevant highway.
  
- prevent any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order,
  
- prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
  
- prevent 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.
  
- The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's Inclusive Mobility document.  
[Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/272222/Inclusive_mobility_making_transport_accessible_for_passengers_and_pedestrians_-_GOV.UK_(www.gov.uk).pdf)
  
- Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
  
- Only furniture associated with the operation of the pavement licence and authorised as part of application plan shall be placed within the Licensed Area.
  
- Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.
  
- No canopy or umbrella shall be lower than two metres in height and shall be adequately secured.
  
- All street cafe furniture, including barriers shall be removed and safely secured 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.
  
- Suitable safe storage for street café furniture shall be identified by the applicant at the time of application for a license.
  
- There must be adequate provision made for the collection and containment of litter and, the Licensee must provide suitable litter bins.
  
- 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.



- 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.
- 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.
- No speakers or playing of music shall be permitted.
- 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.
- 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.
- 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.
- All patrons consuming intoxicating liquor must be seated at a table within the licensed area, there will be no vertical drinking.

### National Licence Conditions

National Conditions [All section references are to the Business and Planning Act 2020]

#### **No-obstruction condition:**

Section 5(5)

A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are:

- 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.

#### **Smoke-free seating condition:**

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted



<b>Function</b>		<b>Decision Delegated to</b>
<b>Determination of Pavement Licence</b>	<b>Where, during the public consultation period, no representations have been received.</b>	<b>Licensing Manager (ref part 2 Section 7)</b>
	<b>Where, during the public consultation period, representations have been received.</b>	<b>Licensing Sub Committee (ref part 2 Section 5)</b>
<b>Revocation of a Licence</b>		<b>Licensing Manager in consultation with Chair of Licensing Sub Committee.</b>

Ref – Councils Constitution

# LICENSING COMMITTEE

## Chairs of Licensing Sub-Committees

27 June 2024

### Report of the Licensing Manager

#### PURPOSE OF REPORT

To enable the Committee to make arrangements for the chairing of Licensing Sub-Committees during the forthcoming municipal year.

**This report is public.**

#### Recommendation

- (1) That the Committee appoints, for the municipal year 2024/245, in addition to the Chair and Vice-Chair of the Licensing Committee and Councillor Bottoms, a further Councillor, who is a member of the Licensing Committee, to act as Chairs of the ad hoc Sub-Committees established to hear individual applications under the Licensing Act 2003 and the Gambling Act 2005.

#### 1.0 Introduction

- 1.1 The procedure for establishing sub-committees to deal with hearings under the Licensing Act 2003 was agreed at the former Licensing Act Committee's meeting on the 14th February 2005.
- 1.2 Each Sub-Committee must comprise three members of the Licensing Committee. The Sub-Committees are convened by the Democratic Services Manager, as and when required, from the Licensing Committee's ten members.

#### 2.0 Proposal Details

- 2.1 The Committee is requested to appoint one further chair of the ad-hoc Licensing Sub-Committees in addition to Councillors Maddocks, Pattinson and Bottoms.

#### 3.0 Details of Consultation

- 3.1 None

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

- 4.1 There is a need for the Licensing Committee to appoint a further Sub-Committee chair to ensure responsibility and availability is shared.

#### 5.0 Conclusion

- 5.1 As its meeting earlier this month, members of Licensing Committee failed to appoint an adequate number of Sub-Committee chairs, 1 more is therefore required.

**CONCLUSION OF IMPACT ASSESSMENT**

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

None.

**FINANCIAL IMPLICATIONS**

The Independent Remuneration Panel (IRP) has made provision for special responsibility allowances to be paid to each Sub-Committee Chair, in addition to the special responsibility allowance that is paid to the Chair of the Committee, and the budgetary provision reflects this. The fact that a Councillor is only entitled to receive one special responsibility allowance means that it is impossible to estimate the actual budget cost in advance, and generally gives leeway within the budgetary provision.

**LEGAL IMPLICATIONS**

The proposal is in accordance with the provisions of the Licensing Act 2003, which provides for the establishment of one or more Sub-Committees consisting of two members of the Committee, but makes no further provision as to how this should be arranged.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**S151 OFFICER'S COMMENTS**

None.

**MONITORING OFFICER'S COMMENTS**

None.

**BACKGROUND PAPERS**

None

**Contact Officer:** Jennifer Curtis

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**Ref:** JC/Sub24

## LICENSING COMMITTEE

### Taxi and Private Hire Working Group – Appointment

27 June 2024

### Report of the Licensing Manager

#### PURPOSE OF REPORT

To appoint further membership to the taxi working group and provide an update at the request of the Licensing Committee to include reference to partnership in the name of the group.

**This report is public.**

#### Recommendations.

- (1) **That further appointments are made form members of Licensing Committee to the taxi working group.**
- (2) **Members note the Officer comments in relation to the groups name and amend as necessary.**

#### Report

- 1.1 It was approved at a meeting of the former Licensing Regulatory Committee on 31<sup>st</sup> August 2017 to establish a taxi and private hire working party.
- 1.2 The taxi and private hire working group was designed to bring together individuals, including elected members, stakeholders and Council Officers who possess the relevant knowledge and skills of the subject area, who will act collectively to undertake assigned tasks and activities to achieve the project's objectives; in this case ensuring the continued review, development and improvement of the Councils taxi and private hire services.
- 1.3 At its meeting on 6 June 2024, following a discussion regarding the make-up of the group, which is currently Licensing Manager/Officers, Chair of Licensing Committee, Cllr Maddocks, Pattinson, Bottoms and Bradley, members resolved to invite Police representatives and Disability Champion to future meetings. Furthermore, the Licensing Manager was to invite expressions of interest from the local licensed trade from those wishing to attend contribute to future meetings.
- 1.4 An email has been circulated inviting expressions of interest, to date, 2 responses have been received. (A reminder will be sent and an update will be provided at the meeting) It is important that a cross section of individuals is invited to attend the group so that members receive up to date, accurate views of the majority. Allowing them to make informed policy decisions and recommendations.
- 1.5 Members may wish to discuss further membership of the group, as necessary.



- 1.6 The Licensing Manager was asked to consider whether it is possible to include a reference to a partnership in the name of the group going forward.
- 1.7 It is important to note that the taxi working group is not a constitutional arrangement and can therefore be called something else. The word partnership is saved for collaborative working alongside responsible authorities and should be avoided in arrangements with those the Council regulate.
- 1.8 It is suggested by the Local Government Association (LGA) that Taxi and Private Hire Liaison Group be more appropriate for such arrangements.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>	
None	
<b>FINANCIAL IMPLICATIONS</b>	
None	
<b>LEGAL IMPLICATIONS</b>	
None	
<b>OTHER RESOURCE IMPLICATIONS</b>	
<b>Human Resources:</b>	
None	
<b>Information Services:</b>	
None	
<b>Property:</b>	
None	
<b>Open Spaces:</b>	
None	
<b>S151 OFFICER'S COMMENTS</b>	
None.	
<b>MONITORING OFFICER'S COMMENTS</b>	
None.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Jennifer Curtis

None

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