



Agenda

Public Protection Committee

Date:	Wednesday, 19 July 2017 at 10:00 am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Angela Jacques (Chairman)</p> <p>Councillor Barbara Nash (Vice-Chairman)</p> <p>Councillors Frank Andrews, Jan Barker, Keith Beckett ISO, Brenda Blackshaw, Alan Clayton, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 15 February 2017 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24(c).	1
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Contact: Sharon Wadsworth - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	19 JULY 2017	4
CARAVAN LICENSING- REVIEW OF MOBILE HOME FEE POLICY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

A report will be made to the members concerning administrative amendments to the Mobile Home Policy

RECOMMENDATIONS

Members to note and approve the administrative amendments to the Mobile Home Fee Policy

SUMMARY OF PREVIOUS DECISIONS

Public Protection Committee- On 20th July 2016 the committee approved Mobile Home Fee Policy for 2016-2017.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

- On 26 March 2013 the Government passed the Mobile Homes Act 2013 which is designed to give greater protection to occupiers of residential mobile (park) homes.
- The Act allows the Council to set fees for the following statutory functions in respect of residential park homes only, for-
 - Application fee for a new site licence;
 - Annual site licence fee;
 - To transfer and existing site licence;
 - Altering a condition to an existing site licence;
 - Depositing site rules;
 - Fees for enforcement action and statutory notices.

3. The Licensing Team are looking to amend a number of administrative details of the Mobile Home Fee Policy for 2017-2018.
4. On reviewing the Mobile Home Fee Policy 2016-2017 the following amendments are to be made-
 - Paragraph 2.10 first line to remove the number "...2016..." and replace the number with "...2017...".
 - Paragraph 2.10 first line to remove the number "...2017..." and replace the number with "...2018...".
 - Paragraph 9.2 first line to remove the number "...2017." and replace the number with "...2018.".


IMPLICATIONS	
Finance	As detailed within report.
Legal	There are no implications arising directly from the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Micky Duck	01253 658620 michaeld@fylde.gov.uk	30 th June 2017	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Mobile Home Policy	30 th June 2017	1 st Floor Chaseley Building


Attached documents

1. Appendix 1 - Mobile Home Policy with amendments

	Mobile Home Fee Policy					
	SUBJECT:	Mobile Home Fee Policy for Residential Relevant Protected Sites				
	Date of issue:	May 2016	Reference:	MHFP/1		
	Revision No:	2	Page:	1	of	7

1.0 EXECUTIVE SUMMARY

- 1.1 The Mobile Homes Act 2013 (MHA 13) was introduced to provide greater protection to occupiers of residential caravans, and park homes.
- 1.2 Royal Assent was received on 26th March 2013 with some parts introduced on 26th May 2013. The MHA 2013 will introduce some important changes to park home licensing on 1st April 2014, due to its amendment of the Caravan Sites and Control of Development Act 1960.
- 1.3 Such changes include the ability of Local Authorities to charge site owners a fee for:
 - Applying for a site licence;
 - Amendments and transfers of existing licences;
 - Depositing site rules and
 - Annual fees.
- 1.4 In order to be able to charge for these fees the Council needs to publish them within a fees policy.
 The fees associated with site licensing include:
 - Applying for a new site licence,
 - Transfer of an existing licence;
 - Alteration of a condition of an existing licence; and
 - Setting of an annual fee.
- 1.5 Sites that are for holiday use only or sites where caravans are only to be permitted to be stationed on the land at certain times of the year are exempt from licensing fees. These are the only statutory exemptions.
- 1.6 It is felt that it is appropriate to make single pitch sites exempt from annual fees (but not fees for applying, amending and transferring a site licence) as these are considered to be lower risk sites and are less onerous to inspect and collecting annual fees from them would not be cost effective.
- 1.7 The MHA 2013 also introduced the ability for Local Authorities to serve enforcement notices and to carry out works in default to remedy breaches of site licence conditions from 1st April 2014. The Council will be able to charge fees in relation to this.
- 1.8 Local Authorities will be able to require a fee when the site rules are deposited with the Local Authority. Furthermore, the Local Authority will be required to publish an up to date site register of the rules.


	Mobile Home Fee Policy					
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2.0 INTRODUCTION

- 2.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 60)¹ introduced a licensing system to regulate the establishment and operation of caravan sites.
- 2.2 The Mobile Homes Act 2013 (MHA 13)² was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the current legislation had been in existence for more than 50 years.
- 2.3 The MHA 13 introduces some important changes to the buying, selling or gifting of park homes and a pitch free review process.
- 2.4 Councils can now also charge a fee for their different licensing functions. There is an expectation that Councils will inspect sites annually and use additional powers to ensure compliance with site licence conditions. The legislation allows the Council to serve enforcement notices and to publish any site rules relating to a site.
- 2.5 The Changes introduced by the MHA 13 only apply to 'relative protected' sites, as defined by section 5A(5) and (6) of CSCDA 60. Further guidance has also been issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of Relevant Protected Sites' (January 2014)³-
- "Any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:
- It has planning permission or a site licence for exclusive holiday use;
 - There is a restriction on use as permanent residential" DCLG 2014.
- 2.6 Section 10A (2) of CSCDA 60 (as amended by MHA 13) requires a local authority to prepare and publish a fee policy, where they propose to charge for functions associated with the regulations of 'relevant protected sites'.
- 2.7 Sites which do not fall into within the definition of a 'relevant protected sites' are still subject to the licensing requirements contained within CSCDA S6, but the provisions relating to payment of fees do not apply.
- 2.8 This policy details the level of fees Fylde Council will charge in relation to the different functions covered by the legislation.

¹ <http://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/contents>

² <http://www.legislation.gov.uk/ukpga/2013/14/contents>

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- 2.9 The fee levels have been calculated based on the time and cost involved in undertaking the activities involved. The costs typically cover officer time, overheads Appendix 1 details what the Council can consider in calculating the fee levels.
- 2.10 The fee rates in this policy cover the period 1st April ~~2016-2017~~ to 31st March ~~2017~~ **2018** and each section details when a fee is payable.
- 2.11 Currently, Fylde Council administers site licences for 21 Park Home sites with the total number of units across all sites exceeding 665. The extent of work with each individual site will vary according to the size, complexity and whether there are any issues arising with residents.

3.0 APPLICATION FOR A NEW LICENCE


- 3.1 All sites (subject to exemptions contained within the Act) require a licence to operate a residential park home site. Failure to make an application for a site licence is an offence under Section 1(2) of CSCDSA 1960.
- 3.2 Section 3(2A) of the CSCDA 1960 amended Act, allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application.
- 3.3 The Council may only issue a licence for a site with a valid and correct planning permission for the use of the land as a residential park home site. Any application made before the planning status must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place, must be processed within 2 months of the receipt of the site licence application.
- 3.4 The fee below reflects the fixed costs which would apply to any new licence application.
- 3.5 **New licence application fee £320**

4.0 TRANSFER OF AN EXISTING LICENCE

- 4.1 Where an existing licence holder or new site owner wishes to transfer a licence, an application must be made to the Council, for which a fee is payable (Section 10(1A) of the Caravan Sites and Control of Development Act 1960 (as amended), allows the Council to charge a fee for this function.
- 4.2 **Fee to accompany an application to transfer a licence £190**

5.0 ALTERATION OF CONDITIONS ON AN EXISTING LICENCE

- 5.1 Where a site owner requests a variation of a site licence conditions. Section 8(1B) of the Caravan Sites and Control of Development Act 1960 (as amended), allows the Council to charge a fee for this function.

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5.2 Applications can be made by the licence holders to amend, add or remove conditions, the fee is payable at the application stage.

5.3 Fee to accompany an application to alter conditions £375

6.0 ANNUAL FEES

6.1 All 'relevant protected sites' must pay an annual fee to the Council (subject to any exemptions). The first fee is due on 30th April 2015 and annually thereafter.

6.2 The annual fee covers the costs associated with an annual site inspection to ensure compliance with site licence conditions and a follow up visit to ensure compliance with any formal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit, further charges may be payable to cover the costs of any enforcement action which may be taken. Further details can be found in Section 7- Enforcement Action.

6.3 DCLG Guidance offers a variety of suggested options for local authorities in calculating the annual fee and Option 1 has been adopted as it is considered to be the most transparent and fairness to both residents and owners.

6.4 The fee is calculated on a price per unit based on the total estimated cost to the Council of carrying out its annual licensing function for all 'relevant protected sites' in the Borough. The unit cost is multiplied by the actual number of each unit on each site to provide the annual fee payable.

Annual Fee £250 x £5 per pitch fee ~

6.5 The Council is not permitted to make surplus from this function section – 5A(2) of the Act requires all surplus and deficits to be included in the fees policy. These will be calculated and included in future revisions of the fee policy i.e. any deficits or surpluses from this activity will be carried forward at the end of the financial year to the next financial year and will affect the charges for the next financial year.


6.6 Exemptions from Annual Fees

6.7 Sites where there is only one park home are excluded from the annual licensing fee.

6.8 This category of site is exempt from the annual licensing fee as the Council do not intend to carry out annual inspections of these sites. However, any complaints received will be dealt with as appropriate.

6.9 Charging Arrangements

6.10 Section 10A(5) of CSCDA 60 (as amended) states that fees policy must include provision about the time at which the fee is payable. For the purpose of this policy the


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period covered by the annual fee will be 1st April to 31st March in each financial year.

- 6.11 Letters will be sent to licence holders of 'relevant protected sites' at the start of the financial year and payment will be due within 30 days.
- 6.12 Where a new licence is issued part way through the year the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted, for the pro-rata amount.
- 6.13 In the event of an annual fee not being paid within the terms of the letter. The Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder pay the amount due. The Local Authority will seek to recover all incurred court costs from the licence holder.
- 6.14 Payment can be made by cheque to Fylde Council in respect of your annual fee.
Or electronically to: Fylde Council
HSBC A/C 1006428
Sort Code 40-40-02
Quoting "Annual Site Licence Fee for £..... in respect of
..... Caravan Park"

7.0 ENFORCEMENT ACTION

- 7.1 Where there has been a breach of the site licence condition, which comes to the attention of the Council, who may serve a Compliance Notice.
- 7.2 Section 9(c) of the CSCDA 60 (as amended) details the elements which the local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the Compliance Notice. A detailed breakdown of the relevant expenses would be provided with the Compliance Notice.
- 7.3 Charges would be based on an hourly rate, in addition to any other costs incurred.
- 7.4 Where the works identified within the Compliance Notice are not carried out by the site licence holder. The licence holder commits an offence and the local authority may consider taking legal proceedings. Failure to comply with the notice would be a criminal offence, punishable by a fine on the standard scale (currently £5000). Any costs associated with this process would be at the discretion of the court.
- 7.5 A site licence could be revoked upon a third or subsequent prosecution.
- 7.6 Where the prosecution is successfully taken, the Council would have the power to serve a notice to enter the site and carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.
- 7.7 A local authority may enter the site and take emergency action where there is imminent risk of serious harm to residents or the wider community.

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7.8 Unpaid charges can be placed as charge against the site owners land.

8.0 SITE RULES- FEES FOR DEPOSITING, AMENDING, OR DELETING SITE RULES

- 8.1 Site rules are different to the site licence conditions and are put in place by the owner of the site to ensure acceptable standards are maintained. For the benefit of residents to promote and maintain community cohesion on the site.
- 8.2 The MHA 13 changes the way in which the site rules must be agreed between the site owner and residents.
- 8.3 Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the Statutory Procedure.
- 8.4 The Mobile Home Act 1983 (as amended by the MHA 13) allows the Council to charge a fee for depositing, amending, or deleting site rules.
- 8.5 **Fee to deposit, amend or delete site rules £80**
- 8.6 The Council must keep an up to date public register of site rules on protected sites and publish the register on-line.

9.0 REVISING THE FEE POLICY


- 9.1 The fees detailed in this policy have been determined based upon experience of dealing with site licensing historically with consideration of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore the estimates have been made as to the cost of providing these services.
- 9.2 This policy will be revised no later than March ~~2017~~2018.

10.0 APPENDIX 1- GUIDANCE FROM DCLG- SETTING OUT OF ACTIVITIES TO BE INCLUDING IN SETTING OF SITE LICENSING FEES

- 10.1 The DCLG- Mobile Homes Act 2013- A Guide for Local Authorities on Setting Licence Fees⁴- sets out activities that the Council can include when calculating its site licensing fee, these include-

Setting Site Licensing Fees

⁴ <https://www.gov.uk/government/publications/mobile-homes-act-2013-a-guide-for-local-authorities-on-setting-licence-fees>

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- Initial enquires;
- Pre-application advice;
- Letter writing/telephone calls etc. to make an appointment and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- Sending out forms;
- Land registry searches;
- Handling enquires and complaints;
- Updating hard files/computer systems;
- Processing the licence fee;
- Time for reviewing necessary documents and certificates;
- Downloading photographs;
- Preparing draft and final licences;
- Updating public register;
- Preparing reports on contraventions;
- Review by manager or lawyers;
- Review of any consultation responses from third parties;
- Carrying out any risk assessment process considered necessary;
- Consultation with Planning and Fire and Rescue Services;
- A pre-programmed full site inspection; and
- A follow-up inspection to check compliance following a programmed inspection.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	19 JULY 2017	5
REVISED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

To consider the comments received following the consultation process and the subsequent amendments to the draft Hackney Carriage & Private Hire Licensing Policy, in light of the consultation.

RECOMMENDATION

That the Committee consider and approve the revised Hackney Carriage and Private Hire Policy document.

SUMMARY OF PREVIOUS DECISIONS

The current policy was considered and approved by the Public Protection Committee following consultation on the 20th September 2006 and whilst amendments have taken place to the Policy since it was introduced, this Policy represents the first significant re-write.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- At the meeting of the Public Protection Committee held on the 26th October 2016, the Committee considered an item regarding the Hackney Carriage and Private Hire Licensing Policy and resolved to authorise officers "to carry out a full consultation exercise and report the results of the consultation exercise to the 15th February 2017 Public Protection Committee."
- Following the approval of the draft by the Committee, working party, views were then invited from a number of interested parties on the approved draft policy document. This included taxi and private hire drivers, operators of taxi and private hire vehicles, taxi and private hire users, and interested parties including disability groups, local partnership groups, transport user groups and residents' associations. In addition, the document was published on the Council Web site.

3. The consultation exercise took place between the 28th November 2016 and 17th February 2017 and this is the first opportunity to report back to the Committee. The exercise resulted in a small number of responses, the vast majority from those directly involved in the provision of taxi and private hire services.
4. All of the responses received have been recorded and included in the document attached to this report at appendix 1, "Consultation on the Draft Hackney Carriage & Private Hire Licensing Policy - Summary of the Representations and Responses Received."
5. As can be seen from the above document, all responses have been given due consideration and a number of changes have been made to the draft consultation policy document in light of the responses, and are identified in the final column to the above document.
6. The revised Hackney & Private Hire Policy, which reflects the changes recommended as a result of the consultation responses is attached to this report at appendix 2.
7. Members are therefore asked to consider and approve the revised policy document as attached.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	There are no implications arising directly from the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk Tel 01253 658422	28 th June 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

- Appendix 1 - Summary of Responses
Appendix 2 - Revised Hackney Carriage and Private Hire Licensing Policy

FYLDE BOROUGH COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY CONSULTATION

REPRESENTATIONS and RESPONSES RECIEVED

Consultation Period: 28th November 2017 to 17th February 2017

REVISED LICENSING POLICY - SCHEDULE OF RESPONSES

Relevant Paragraph of Policy	Respondent	Comments Received	Assessment of Comments	Recommended Action
5.5	John Coombes MD Fylde Executive Cars	<p>Signage. I feel that there is currently a problem in relation to Private Hackney Carriage Licence owners vehicles not being readily identifiable as a "Taxi". It is common practice for Hackneys to not travel with roof signs and also hide their Plates whilst carrying out "Executive work" The guidance for Minibus and People Carrier vehicles should be imposed across the Hackney Fleet, requiring Taxis to have stickers on the front and rear that states it is a "taxi"</p> <p>At present I believe the large number of unmarked cars on the Boroughs ranks pose a Public Safety threat and therefore more permanent fixed signage to the side of all Hackneys should be a requirement.</p>	<p>It is a requirement that hackney carriages, whether being used a hackney carriage or a private family car must always display the plate on the vehicle and the removal/ hiding of a plate will be picked up through enforcement work. The proposed advertising/signage requirements allow for the use of the taxi on the front and rear. It is also noted that from a fleet of 102 hackney carriages, currently only 2 vehicles are not currently affiliated to an operator and displaying minimum signage. It is not considered necessary at this time to require additional livery.</p> <p>All hackney carriages are required to display vehicle identity plates to the front and rear and the use of a top sign, whilst an identity disc is displayed inside and the driver must also wear his badge. There is no evidence to suggest that the current signage requirements pose a threat but it noted some Authorities now include signage on Hackney Carriages specifying the vehicles identity number. No change is currently proposed but Officers will</p>	No change

		<p>Special Dispensation for not displaying plates and/or signage. This practice should be restricted to Companys advertising as Corporate Chauffeur Operations only and only when, it is proved on a sample of days, throughout the year, nominated by the Licensing Officer that no less than 90% of the work carried out by the operator was pre-booked by a Corporate client and paid on account or credit card. Special dispensation should also be granted to businesses that can prove that it is a Wedding Car provider 95% of the time.</p> <p>Special dispensation should not be given to any Operator with its business and residential address outside of Fylde Borough.</p>	<p>continue to monitor and identify signage requirements and if appropriate, refer back to the Public Protection Committee in due course.</p> <p>The previous and proposed policy require that to be dispensated from displaying signage, 80% of the work shall be of an executive nature and that the vehicle is appropriate. Random checks are currently conducted by the Licensing Team to note the details of any jobs and its suggested the current policy achieves the right balance. It should be noted that for vehicles used in connection with weddings do not require a private hire vehicle licence. However, it is being used for private hire work outside weddings it should be licensed and the requirements of the Dispensation policy will apply.</p> <p>The role of licensing is that of Public Protection and the Council are obliged to consider all applications. Any applications from persons residing outside the Borough will be treated in line with our existing policies and procedures.</p>	
6.5		An operator's licence should not be issued to any individual or business that does not have a permanent residential or business address, from which they are paying NNDR or Council Tax located within the Fylde Borough.	This is addressed in point 6.5. The Authority will not "normally grant" in such instances but it should be noted that all applications are to be considered on their individual merits.	No change

General		<p>Technology in the Taxi and Private Hire Industry is moving too fast for legislation to keep up. The rise of the offshore taxi booking App Uber and the problems this has raised across the World has proved that Licensing Committees need to recognise the changing habits of Taxi customers and seek to enable new technologies to be used within the Industry.</p> <p>In particular the Booking App is becoming more and more widespread where a customer can book via their phone on a Street corner and get a price, arrival time and monitor their taxis arrival in a matter of moments. Licensing Officers are able to check that such booking systems are set with the right Tariffs and these are easy to check via an App from the comfort of the Licensing Dept's Office – clients do receive a price before accepting the Hiring –so these PDA GPRS Handsets should be allowed in Hackneys and Private Hire vehicles alike, without the need for a fixed meter.</p>	<p>It is acknowledged that technology is moving significantly quicker than the legislation and numerous elements are outdated. The Authority welcomes booking “apps” which are beneficial to the customer.</p> <p>However, the legislation does not permit the use of PDA's working through GPS as taxi meters. The case law from Transport for London v Uber London Ltd [2015] suggests that GPS/PDA device is not a taxi meter.</p>	No change
4.2.2	Giles Bridge (a2z licensing) on behalf of Whitesides Taxis	<p>DBS Check</p> <p>Consider using an outside company to carry out DBS checks in order to speed up the process. Whiteside understand that this is currently under consideration by the Committee.</p>	Enquiries have been made with an outside provider and other options/providers are also being considered. The possibility of moving to external DBS checks will continue to be considered outside this policy.	No change
5.1		<p>Hackney vehicle</p> <p>Suggestion – increase maximum age at first registration for hackneys to 6 years and the maximum age before exceptional condition criteria apply to 14 years.</p> <p>The number of hackney carriage vehicles licensed by Fylde since 20011 has moved between 101 and 103 and now stands at 103. As a private hire operator who has a substantial number of hackney carriage vehicles on their fleet, Whiteside recognise that there is a need for more wheelchair accessible hackney carriage vehicles.</p>	There's 2 elements here. Firstly, it is not proposed to alter the maximum age at which we will consider licensing a vehicle. The maximum age at which a vehicle will be licensed at is 12 years, so hypothetically a vehicle could be submitted for licensing which is which is 11 years, 364 days.	No change

	<p>The current age policy, with a maximum vehicle age at firstly licensing of 2 years means that the costs of purchasing a wheel chair accessible hackney are too high: acting as a powerful disincentive to new hackneys joining the trade.</p> <p>The most appropriate wheelchair accessible vehicles are not the cheapest, because space in the rear compartment is important to ensure that the customer feels comfortable, safe and secure. As a consequence, Whitesides believe that a vehicle such as the VW Transporter/Caravelle is the most suitable for wheelchair use. These vehicles are expensive and require a large capital investment, especially from owner drivers. The price of a new VW Caravelle is £40,000. Good quality used Caravelle's are expensive and the cost of a good quality used vehicle for the following ages are: 2015 £30,000, 2012 £26,000, 2010 £23,000, 2008 £17,000, 2005 £14,500.</p> <p>There are cheaper vehicles: Mercedes Vito and Peugeot E7 are popular with the hackney trade as wheelchair accessible vehicles. A good quality Mercedes Vito registered in 2014 would cost approximately £25,000. A new Peugeot E7 costs £30,000.</p> <p>The reason why the number of hackney vehicles has remained stable is because the cost of a 2 year old vehicle too high for most potential owner drivers to be able to afford.</p> <p>Whiteside support the suggestion to increase the maximum age at first registration for hackneys, but feel that raising that age to 4 years is still too low. Blackpool and Preston have no maximum age for vehicles at first licensing, relying on the inspection at application to ensure that vehicles are appropriate for use. South Ribble Council have a maximum age of 6 years at first</p>	<p>However, the previous policy, when considering the granting of additional licences for wheelchair accessible vehicles (WAV's), a requirement was that the vehicle was less than 2 years old at the time of initial grant. It is proposed to amend this age restriction to 4 years.</p> <p>The intention is to encourage additional WAV's on to the fleet. Whilst initially take up was slow, within the past 12 months an additional 3 WAV's have been granted which would suggest that the interest is there.</p> <p>It is believed that relaxing the restriction to 4 years for new licences will attract more to the fleet. If this relaxation proves to be unsuccessful then a further relation to 6 could be considered. As referred to earlier, it should also be noted that applications should be considered on their individual merits.</p> <p>To summarise the approach regarding the licensing of new or replacement hackney carriages, for wheel chair accessible vehicles the vehicle should be no older than 4 years. For replacement hackney carriages outside the wheel chair policy, the vehicle should be no older than 12.</p> <p>The point is noted regarding vehicles that are older than 12 years on renewal and</p>	
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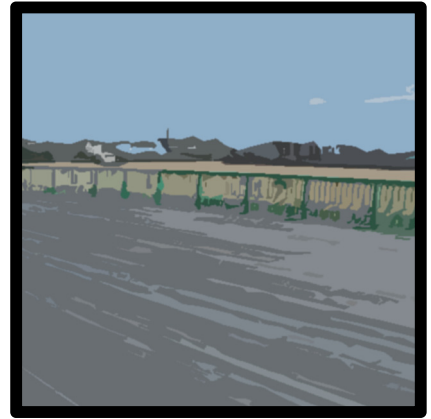
		<p>licensing for hackneys. South Ribble also accept that it is appropriate that the maximum age for hackneys his higher than for Private Hire vehicles.</p> <p>Setting the limit at 4 years, would require a capital investment of around£20,000, for a good quality wheelchair accessible vehicle which would have a working life of 8 years and the possible extension to that working life, if the exceptional condition criteria are met. A capital expenditure of £20,000 with a working life of 8 years equates to a cost to the driver of £2,500 per year or just under £50 per week. Most vehicles are purchased with a loan of 4 to 5 years, with interest, the cost to the driver per week over the loan period is considerably higher than £50 a week.</p> <p>Whiteside believe that a capital investment of £20,000 is too high to attract hackneys onto the fleet. What needs to be recognised is that the Fylde Council area is not a busy urban city, where hackney vehicles are constantly busy. The amount of work for hackneys is less than in city and more urban areas. This is demonstrated by the fact that most hackneys also carry out private hire work, to enable the driver to earn a reasonable living.</p> <p>Wheelchair accessible vehicles are manufactured with the expectation that they will have a long working life and do a considerable mileage, given the initial cost of the vehicle. Increasing the maximum age at first registration to 6 years, in line with South Ribble would be appropriate. Whiteside would also submit that the maximum age for hackneys before the exceptional condition criteria apply ought to be increased to 14 years, which is in line with Blackpool. Preston does not have a maximum age policy. A maximum age at first registration of 6 years and an age limit of 14 years</p>	<p>the Exceptional Quality Policy has been introduced to address this.</p>	
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		<p>would provide an expectation that a hackney carriage should have a working life of 8 years. The cost of a mid-range wheelchair accessible vehicle such as a Mercedes Vito would be around £12-14,000, which would equate to between £1,500 to £1,750 per year for the cost of the vehicle.</p> <p>It is submitted that such an approach would reduce the costs of entry to new hackney vehicles. The number of wheelchair accessible vehicles within Fylde would be increased, which is the laudable desire that the council seeks to achieve. Given the fact that such vehicles are designed to last and, also to do a substantial mileage, it would not lead to any risks regarding public safety or reduction in standards of the hackney fleet: particularly given the inspection and enforcement regime which applies within Fylde.</p>		
5.5 Signage		<p>Signage Remove the requirement that hackney signs be illuminated.</p> <p>The key factor that differentiates a hackney vehicle from a private hire vehicle is the roof sign. This makes plain what is a hackney vehicle. There is no issue within the Fylde in contrast to many cities with plying for hire, which is why there is a requirement that it is easy to distinguish between a hackney vehicle and a private hire vehicle. This is evidenced by a Freedom of Information request which revealed the following. In 2015 the council received no complaints regarding plying for hire. In 2016 the council received 1 complaint of plying for hire, which did not result in a prosecution. Whiteside have used the same rooftop signage on the hackney vehicles on their fleet for the last 30 years. The signs used to be manufactured locally, but sadly that no</p>	<p>The point is well made and Authority is unable to confirm the absence of illuminated top signs has caused public safety concerns. The requirement to display a top sign remains and therefore the requirement for this to be illuminated will be removed.</p>	<p>Update policy to remove requirement for illuminated top sign.</p>

		<p>longer is the case. The signs are not capable of being illuminated. The signs are however part of the company brand and are well known within the borough. The signs carry out the function which is expected of them, that they readily identify the vehicle as a hackney vehicle, which is a Whiteside hackney and not a private hire vehicle. To replace all 60 of the hackneys which are part of the Whiteside fleet would cost £6,840, at a cost of £114 per roof top sign. Fylde Council have not had an issue with regard to these signs over previous years, even though they are not fully compliant with the council's policy. It makes sense now to adopt a policy that reflects the current situation with the hackney fleet and continues to ensure that the distinction between hackneys and private hire vehicles is clear. To make Whiteside change roof top signs, which have been in use for 30 years would be disproportionate. It is submitted that regard ought to be had for the Regulator's Code 1.1 avoid unnecessary regulatory burdens and 1.2 minimise negative economic impact of regulatory activities.</p>		
App J		<p>Hackney fares Change the basis of calculation and add a tariff for 5 to 8 passengers in MPV/minibuses.</p> <p>Private Hire Taxi Monthly (PHTM) no longer gives the fare for Tariff 2 in the monthly round up of fares across local authorities. So it would seem that in future consideration be given to the % increase in fare in relation to Tariff 1, which then would be applied to all tariffs.</p> <p>The policy as currently framed states that consideration is given to the fares as of each January. It is worthwhile noting that Fylde's Tariff 1 2 mile fare in PHTM has been recorded as being £5.70 since January 2013. In</p>	<p>It is correct that the PHTM only includes tariff one fares but it should be noted that when the policy was first introduced, the intention was not to compare the actual national average fare but rather the percentage by which the national average fares have increased.</p> <p>However, the point is well made and the policy will be amended to reflect this</p>	<p>Amend Policy in line with the suggestion.</p>

	<p>January 2013 the national average Tariff 1 2 mile fare was £5.50.</p> <p>In the January 2017 PHTM the national average Tariff 1 2 mile fare is now £5.72. The increase of 22 p in the national average fare from January 2013 to January 2017 is 4%, which would amount to an increase of 23 p on the Tariff 1 2 mile fare in the Fylde if applied now, increasing the fare from £5.70 to £5.93 using PHTM's figures for Fylde.</p> <p>It is suggested that the wording of be amended as follows:</p> <p><i>"In reviewing the scale of maximum fares to be charged locally, consideration will be given to the percentage by which the "National Average" of Tariff One, 2 mile journey fares (as published in Private Hire & Taxi Monthly magazine) increased since the fees were last increased by Fylde Council (i.e. January 2013 to January 2017). In general, this average percentage will constitute the maximum percentage increase in fares above which the authority would not generally consider any application for a tariff increase."</i></p> <p>The result would be that the fare increase would not be just looking back over the previous year, but the full period since the council had increased the fares.</p> <p>5-8 Passenger Tariff of 1.5 flag fare</p> <p>The council is requested to add a tariff for MPVs and minibuses when carrying 5-8 passengers of x1.5 of the flag fare, which a number of local authorities such as Brighton and Dover amongst others already charge. This would encourage the purchase of larger wheelchair accessible hackneys, which are premium vehicles and the most comfortable wheelchair accessible vehicles onto the fleet. It would also encourage groups of customers to use larger vehicles,</p>	<p>suggestion.</p> <p>Such a step would require further consideration and input from the trade and taxi using members of the public. It is therefore suggested that the point is noted and a working group involving members of the trade is established to review the level fares and the tariffs with a view to making a recommendation to a future meeting of the Public Protection</p>	<p>Further enquiries with stakeholders.</p>
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		because groups of more than 4 would travel in one vehicle, rather than having to hire two vehicles. Vehicle journeys would be reduced, also reducing pollution.	Committee.	
General		It is also submitted that when next considering the hackney carriage fares that consideration be given to increasing the amount of extras, such as additional passengers. These have remained at the same level for a number of years.	As above.	As above
4.2.5	Carol Gradwell, taxi user	Feels that the trade are unaware of the differences between the carriage of assistance dogs and those dogs which may be pets. States there is a real lack of awareness and is aware of instances where an assistance dog and its handler have been refused a hiring with the driver claiming they have an allergy.	Fylde Council have not issued any Exemption Certificates and therefore all drivers are required to convey all assistance dogs. We are not aware of any complaints regarding a refusal to convey assistance dogs but the point is noted and officers will look to raise awareness of this through the trade.	No Change



Hackney Carriage and Private Hire Licensing Policy 2017 - 2020

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1	Introduction
	<p>Fylde Council is responsible for the regulation of the hackney carriage and private hire trade within the Borough of Fylde.</p> <p>When developing this policy the following have been taken into consideration:</p> <ul style="list-style-type: none"> - The aims and objectives of the Policy (see below) - Current Legislation - The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 - Regulators Code 2014 - Local Government Association template Criminal Convictions Policy 2015 <p>The Policy sets out application requirements and standards that must be met by the hackney carriage and private hire trade licensed by Fylde Council. When carrying out its regulatory functions, the Council will have regard to this Policy. Each application or enforcement measure will be considered on its own merits, however where it is necessary to depart substantially from the Policy, clear and compelling reasons will be given.</p>
2	Aims and objectives of the licensing policy
	<p>The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.</p> <p>Fylde Council will carry out this licensing function with a view to promoting the following:</p> <ul style="list-style-type: none"> - The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder, - The safety and health of the public and drivers, - Vehicle safety, comfort and access, - Encouraging environmental sustainability <p>Fylde Council aims to ensure that the hackney carriage and private hire services offered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.</p>
3	Delegations
	Under the Council Constitution the Public Protection Committee has the delegated power to license hackney carriages and private hire vehicles

	<p>under (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 and to license drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The Director of Resources has delegated powers to suspend or revoke the licence of a driver of a hackney carriage or private hire vehicle (including suspending or revoking with immediate effect) under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
4	Hackney Carriage and Private Hire Drivers
	An applicant must satisfy the Council that they are a fit and proper person to become licensed. Once licensed the driver must remain a fit and proper person throughout the duration of the licence.
4.1	Fit and Proper Person Test
	<p>Licensed drivers are in a position of trust transporting the young and vulnerable at all times of the day and night. The legislation requires that licences can only be granted if the Council is satisfied that the applicant is a fit and proper person.</p> <p>Whilst there is no definition of a fit and proper person, decisions from the Courts over the years have come to the conclusion that the Council is effectively asking the following question:</p> <p><i>Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?</i></p> <p>During the application process the Council will undertake a number of checks to gather the information necessary to assess the suitability of the applicant.</p> <p>Factors that will be taken into account when reaching a decision include:</p> <ul style="list-style-type: none"> - Criminality (whether the applicant has any criminal convictions or cautions) - Driving Licence – length held and penalty points endorsed - Right to work in the UK - Medical Fitness - General Conduct/standards of behaviour - Conduct of the applicant during the application process

	<ul style="list-style-type: none"> - Previous licensing history - Knowledge of the Borough of Fylde, and other matters such as the Highway Code and taxi law - Ability to communicate and understand English <p>This is not an exhaustive list of matters that will be considered and further information will be sought from other agencies such as the Police, Safeguarding Boards and other licensing authorities as appropriate.</p>
4.2	Making an application
	<p>It is the policy of the licensing authority that every application for a licence to drive a hackney carriage and/or private hire vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed)</p> <ul style="list-style-type: none"> - That the applicant has the right to live and work in the Country - An enhanced criminal record check - A certificate of their current medical fitness to Group 2 standard - That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive <p>Applications will not generally be considered until the following has been established:</p> <ul style="list-style-type: none"> - That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for - That the applicant has completed training specific to the service they wish to be licensed to provide including safeguarding and child sexual exploitation - For persons wishing to be authorised to drive wheelchair accessible vehicles that the applicant has the ability to safely load and secure wheelchair users in wheelchair accessible vehicles whilst in the wheelchair - That the applicant has sufficient knowledge of the Borough, the Highway Code and other issues such as legislation relating to hackney carriages and private hire vehicles (such as the carriage of assistance dogs) as may be prescribed by the Council.
4.2.1	Application Form
	<p>Applicants are expected to act with honesty and integrity throughout the application process. There is an expectation that the information requested, for example previous convictions and cautions, will be fully and accurately disclosed. Applicants are required to disclose all convictions and cautions including those that would normally be considered spent as both hackney carriage and private hire drivers are included as exceptions within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.</p>

	Care should be taken by the applicant when completing the form as failure to make full and accurate disclosure can it itself result in refusal of the application.
4.2.2	Disclosure and Barring Service Check
	<p>A criminal record check of a driver is seen as an important safety measure. An enhanced disclosure through the Disclosure and Barring Service (DBS) is required as these disclosures include details of live and spent convictions, police cautions and other relevant information from the Police.</p> <p>Before an application will be considered, the applicant must provide a current (less than 3 months old) enhanced disclosure certificate which must indicate that the application has been processed in relation to both the child and adult workforce employment positions.</p> <p>It should be noted that the Disclosure and Barring Service send the certificate to the applicant direct. The original certificate must be produced to the Licensing Authority to progress the application.</p> <p>A licence will not be granted or renewed in the absence of a current enhanced DBS certificate.</p> <p>The Licensing Authority supports the use of the update service provided by the DBS which enables relevant information to be received as quickly as possible in order to take appropriate and proportionate action to protect public safety. The Licensing Authority encourages applicants to register for the update service and to nominate the licensing authority to receive updates. Registration lasts for one year and costs £13 per annum and licence holders are expected to maintain this registration throughout the duration of the licence.</p>
4.2.3	Applicants with Periods of Residency Outside the UK
	Where a new applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check or a certificate of good conduct from the country/countries visited covering the period before an application may be made.
4.2.4	Relevance of Convictions and Cautions
	In assessing whether the applicant is a fit and proper person to hold or retain a licence, each individual case will be considered on its merits having regard to the policy on convictions and cautions which can be found at appendix A.
4.2.5	Medical Assessment

	<p>The Council is of the opinion that it is appropriate for licensed drivers to be subject to more stringent medical standards than those applicable to normal car drivers because:</p> <ul style="list-style-type: none"> - They carry members of the public who expect a safe journey - They are on the road longer than most car drivers - They are required to assist disabled passengers and handle luggage <p>Therefore the Group 2 standard of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers is the appropriate standard for licensed hackney carriage and private hire drivers.</p> <p>Applicants and licence holders are required to undergo a medical assessment on first application, on reaching 45 years of age and then every 5 years thereafter until the age of 65 when annual examinations will be required. Holders of current PSV and/or HGV licences, Pilot Licences or similar where the holder is able to produce proof of a current medical examination equal to or over the requirements not be required to undergo further assessment.</p> <p>Where there is any doubt to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.</p> <p>Licence holders must notify the Council of any deterioration or other change in their health that may affect their driving capabilities. This includes but is not restricted to the list of conditions which must be notified to the DVLA. Where there remains any doubt about the fitness of the applicant, the Public Protection Committee will review the evidence and make a final decision.</p> <p>No licence shall be issued until medical clearance (if required) has been established.</p> <p>Exemption Certificates</p> <p>Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicle without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful the driver will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be displayed in the vehicle either on the windscreen or in a prominent position on the dashboard.</p>
4.2.6	Knowledge of the Borough

	<p>Applicants for a new licence are required to have passed the Councils Knowledge of the Borough test. This test will ensure that the applicant has sufficient knowledge in relation to:</p> <ul style="list-style-type: none"> - A basic level of English language - Child/Adult Safeguarding awareness - Highway Code - Taxi Law <p>If an applicant fails four successive knowledge tests their application will be rejected and a period of 12 months must elapse before a new application is submitted. Applicants who cannot demonstrate a basic level of English language will be provided with information on relevant courses that can bring them up to the required standard.</p> <p>Applicants who have been licensed previously by Fylde Council will not be required to pass a knowledge test if their last licence expired less than three years prior to the date of the new application.</p>
4.2.7	<p>Child Sexual Exploitation and Abuse</p> <p>One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.</p> <p>Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives "something" (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.</p> <p>The Licensing Authority are aware of concerns that children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.</p> <p>All drivers are therefore expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to Lancashire Police.</p> <p>Failure to report a suspicion or concern that a young person may be being sexually exploited could lead to the licence being revoked and</p>

	<p>the individual could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.</p> <p>It is a requirement that all existing licensed drivers undertake CSE training before their licence is renewed.</p>
4.2.8	<p>Right of Driver to Work in the UK</p> <p>The Council will require all applicants for new licences to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include (but are not limited to):</p> <ul style="list-style-type: none"> - A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country including Switzerland) - Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment - Full UK birth/adoption certificate - An immigration document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment - A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment. <p>When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.</p>
4.3	Standards Expected of a Licensed Driver
4.3.1	<p>Licence Conditions</p> <p>The Council may attach such conditions to a private hire driver's licence as it considers reasonably necessary. The standard conditions can be found at Appendix B. Conditions may not be attached to a hackney carriage driver's licence, however they are required to abide by the Hackney Carriage Byelaws.</p>
4.3.2	<p>General Conduct</p> <p>The standards expected of licensed drivers are set out in the Code of Good Conduct. This code, set out at Appendix C should be read in conjunction with the other statutory and policy requirements set out in this document.</p>

4.3.3	<p>Dress Code</p> <p>It is recognised that both the hackney carriage and private hire trade play an important part in portraying a positive image of the Fylde. Anything that serves to enhance the professional image of the trade and promotes the concept that the drivers of licensed vehicles are professional vocational drivers is to be welcomed. To ensure that the objectives above are met a dress code for licensed drivers has been set see Appendix D. It is a condition of licence that drivers adhere to this policy.</p>
4.3.4	<p>Code of Conduct when working with vulnerable passengers</p> <p>It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This Code can be found at Appendix E.</p>
5	<p>Hackney Carriage and Private Hire Vehicles</p> <p>Fylde Council does not have a general policy to limit the number of hackney carriages, which may be licensed within its area. The policy adopted in 2005 required that any new Hackney Carriage vehicle licences are only granted in respect of vehicles that:</p> <ul style="list-style-type: none"> (i) are less than a year old at the time of the initial grant of the Hackney Carriage licence and (ii) conform, initially and thereafter, to the Conditions of Fitness as laid down by the Metropolitan Police and the Road Vehicles (Construction and Use) Regulations 1986 until further conditions are issued by the Department for Transport concerning technical requirements. <p>The effect of the introduction of this condition has been to relax the policy of on restriction of licensed hackney vehicle numbers whilst establishing a control measure in respect of the number of additional vehicles licensed. Any new vehicles to the licensed taxi fleet have now to be purpose built taxis and are, therefore, wheelchair accessible.</p> <p>The Policy was subsequently amended in 2006 to that shown below</p> <p>Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:</p> <ul style="list-style-type: none"> (i) less than two years old at the time of the initial grant of the new Hackney Carriage licence and (ii) a TX11 taxi or purpose built EuroCab, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be

	<p>produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles.</p> <p>It could be argued the policy has had limited success and the Council continues to be concerned about the availability of wheelchair accessible vehicles within the Borough.</p> <p>Therefore, through this revised Taxi Licensing Policy it is proposed to update the Policy as follows:</p> <p>Any new Hackney Carriage vehicle licences are only granted in respect of vehicles that are:</p> <ul style="list-style-type: none"> i) less than four years old at the time of the initial grant of the new Hackney Carriage licence and (ii) a purpose built vehicle, designed and developed for use as a wheelchair accessible taxi. Wheelchair access must be from the side and not from the rear. The vehicle must be unaltered from the manufacturers/converters specification and documentation must be produced to show that the vehicle is certified to M1, European Whole Vehicle Approval or Low Volume Approval standards. Any replacement vehicle must also meet the standard required of such newly licensed hackney carriage vehicles. iii) Any application should be submitted with supporting information in relation to the Intended Use Policy (app <p>The Council has no power to limit or otherwise restrict the number of private hire vehicles.</p>
5.2	<p>Vehicle Specification</p> <p>The Council has a series of specifications which a vehicle will need to comply with if it is to be licensed. These specifications can be found at Appendix F.</p> <p>Not all types of vehicles are suitable to be licensed as hackney carriage or private hire vehicles. In the event of a dispute over the suitability of a vehicle the final decision rests with the Public Protection Committee.</p>
5.3	<p>Maximum Age of Vehicles</p> <p>Vehicles will not generally be licensed beyond 12 years of age. An Exceptional Quality Policy has been introduced which may be seen at appendix G which may extend the life of a licensed vehicle on an annual basis subject to the requirements being complied with.</p>
5.4	<p>Vehicle Testing</p>

	<p>All vehicles are subject to an annual inspection by the Council's Vehicle Maintenance Unit. This inspection is not a Certificate of Compliance and vehicle proprietors are expected to obtain separate MOT certification.</p>
5.5	<p>Signage</p> <p>Hackney Carriage vehicles are required to display plates on both the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. All hackney carriage vehicles, except for mini buses, transits, people carrier type vehicles and those with built in roof signs should carry roof mounted signs indicating that they are a taxi. Mini buses, transits and people carrier type vehicles must display the single word "taxi" on the front and rear of the vehicle.</p> <p>In order to differentiate between the two types of licensed vehicle, private hire vehicles are not permitted to carry roof-mounted signs of any kind or any references to the word "taxi" or "hackney".</p> <p>Private hire vehicles (unless benefitting from dispensation from displaying signage) must display the Council supplied signage on both the front doors of each Private Hire vehicle.</p> <p>Additional advertising, whether it be Company livery or third party advertising may be displayed on Hackney Carriage Vehicles and limited signage to assist in the identification of a private hire vehicle may be displayed as specified in appendix F.</p>
5.6	<p>Application Process</p> <p>The Council will consider all applications for vehicle licences on their own merits.</p> <p>A valid application will consist of:</p> <ul style="list-style-type: none"> - Vehicle application form - Fee - The original vehicle registration document (V5), certificate of registration for the vehicle or a bill of sale. Licences will not be renewed unless the full V5 document has been produced to the Council. - Vehicle Inspection Report from the Council's testing station. - Valid policy of insurance
5.7	<p>Grant and renewal of licences</p> <p>Vehicle licences will be issued for a period of 12 months.</p>
5.8	<p>Conditions</p>

	<p>The Council may attach such conditions as it considers reasonably necessary to the grant of a hackney carriage or private hire vehicle licence. The following condition is attached to all hackney carriage licences:</p> <p><i>Any hackney carriage operating to different tariffs must display a statement of fares which shall be fitted and maintained in such a position as to be clearly visible at all times to the hirer.</i></p> <p>The standard conditions attached to a private hire vehicle licence can be found at Appendix H</p>
5.10	<p>Accidents</p> <p>If at any time a licensed vehicle is involved in an accident, however minor, the driver must inform the licensing service as soon as possible and in any event within one working day. An accident report form must then be completed and submitted to the licensing service within 72 hours of the accident occurring (except in exceptional circumstances when the licensing team may agree to the report being filed outside of that time limit).</p> <p>The vehicle must be presented for inspection at the Council's testing station as soon as possible after the accident has taken place at the licence holder's expense. The inspection should be booked via the licensing team. Failure to present the vehicle for inspection may result in the vehicle licence being suspended until such time as the vehicle is produced for examination.</p> <p>If the vehicle is so damaged that it cannot be driven, the licensing team must be informed of this fact. In such cases, the vehicle proprietor is advised to take photographic evidence of the vehicle's condition to clearly illustrate the reason why the vehicle cannot be driven or be presented for examination.</p>
5.11	<p>Meters</p> <p>All hackney carriages must be fitted with an approved meter. Private hire vehicles may be fitted with a meter but this is not a requirement of licensing. If a private hire vehicle is fitted with a meter it should not display the words "for hire" unless this wording cannot be viewed from outside of the vehicle.</p> <p>It is the view of the Council that at the time of writing, GPS devices are not considered to be a suitable replacement for taxi meters, but have no objection to them being used alongside conventional taxi meters.</p>
5.12	<p>Fares</p>

	<p>The Council sets the maximum rates that may be charged by hackney carriage vehicles. Private Hire Vehicles may set their own fare structure.</p> <p>The decision of the Court in Curzon is noted regarding the accuracy of taxi meters and in line with 5.8 above, where the meter is set to a tariff lower than the Council maximum, a clear notice should be displayed in the vehicle.</p>
5.13	<p>CCTV</p> <p>Vehicles may be fitted with an appropriate CCTV system. If a system is installed it should be operational at all times the vehicle is in use.</p> <p>The CCTV system must:</p> <ul style="list-style-type: none"> - Be of a make, type and design approved by the Council; - Will not be changed in any way from its original design, be free of damage and maintained in working condition; - The vehicle must carry appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle; - The recording system and memory card (or other image recording system) must be securely stored within the vehicle and away from public access; Installation and maintenance must be in accordance with the manufacturer's specifications and recommendations; - Images contained in the recording device may only be downloaded by an authorised officer of the Council or Police Officer unless the vehicle licence holder or licensed driver is registered with the Information Commissioner as a Data Controller
6	Operators
6.1	<p>Requirement for a licence</p> <p>A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All licences must be issued by the same local authority.</p> <p>Applications for operator licences must be made on the form provided by the Council together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence. In the case of a company the Council must be satisfied that all company directors/secretary are fit and proper.</p> <p>On the spot bookings - where a private hire vehicle is approached on the street by a potential customer, in the Council's view, the booking would only be lawful if it is made by the potential customer contacting</p>

	the operator themselves. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer.
6.2	<p>Fitness and propriety</p> <p>In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:</p> <ul style="list-style-type: none"> - Criminal record including convictions, cautions, warnings and reprimands - Demeanour, general character, non-criminal behaviour, honesty and integrity - Previous conduct - Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc) <p>If the application is received from a person not already licensed as a driver by Fylde Council, the applicant will be required to produce a Basic Disclosure from the Disclosure and Barring Service. They will also be required to undertake the Council's Safeguarding Awareness Training.</p>
6.3	<p>Insurance</p> <p>Before an application is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance.</p>
6.4	<p>Conditions</p> <p>Conditions are attached to an operator's licence. The standard conditions can be found at Appendix I.</p>
6.5	<p>Address of Operator</p> <p>The Council will specify in the licence the address from which the operator may operate. The operator must notify the Council in writing of any change of address.</p> <p>The Authority will not normally grant an operator's licence for an operator with an operating base that is outside the Fylde Borough Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade.</p>
7	Compliance and Enforcement
7.1	Enforcement

	<p>The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. To this end the Council aims to provide an efficient, targeted and proportionate regulatory service to those it regulates.</p> <p>The Regulator's Code was brought into force in 2014 which states that the Council should:</p> <ul style="list-style-type: none"> - Carry out their activities in a way that supports those they regulate to comply and grow - Provide simple and straightforward ways to engage with those they regulate and hear their views - Base their regulatory activities on risk - Share information about compliance and risk - Ensure clear information guidance and advice is available to help those they regulate meet their responsibilities to comply - Ensure that their approach to their regulatory activities is transparent. <p>Where appropriate, referrals will be made to other agencies. This will include but is not limited to the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding teams.</p> <p>The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as a part of programmed operations.</p>
7.1	<p>Disciplinary Hearings</p> <p>Licence holders may be referred to the Public Protection Committee for committing offences, failure to comply with any part of this policy, or for other any other conduct which impacts on their fitness to be a licence holder. The Committee will consider the impact of the offending/conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.</p> <p>Warnings</p> <p>These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken before the Sub-Committee for any other reason.</p> <p>Suspensions</p> <p>Vehicles can be suspended in accordance with section 68 Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle.</p>

	<p>Drivers can be suspended under section 61 Local Government (Miscellaneous Provisions) Act 1976. This suspension can be ordered to take immediate effect in certain circumstances.</p> <p>Revocations</p> <p>Both vehicle and drivers licences may be revoked by the Sub-Committee.</p> <p>If the seriousness of the case merits revocation, this course of action will be available to the Sub-Committee even if it is the first enforcement action taken against the driver/vehicle.</p> <p>The Council is aware of the judgement in Singh and will not suspend a licence and subsequently revoke. Where there are concerns regarding a person's fitness and propriety the Council will generally revoke the licence. Should information subsequently come to light which alters the Council's view, a licence will be restored with no financial penalty to the applicant.</p>
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Appendix A - Taxi and PHV Licensing Criminal Convictions' Policy

1.	Introduction
1.1	The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle licence.
1.2	<p>The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:</p> <ul style="list-style-type: none"> • That a person is a fit and proper person. • That the person does not pose a threat to the public. • That the public are safeguarded from dishonest person. • The safeguarding of children, young persons and vulnerable adults.
1.3	<p>The term “ fit and proper person” for the purposes of licensing is not legally defined and in assessing whether someone is “fit and proper” the Council will consider the following together with any other relevant information:</p> <ul style="list-style-type: none"> • Criminality • Human rights • Period of holding a driver's licence • Number of penalty points endorsed on driving licence • Right to work • Medical fitness • Conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process) • Previous licensing history of existing and former licence holders <p>In addition the Council will also consider further information provided by sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.</p>
1.4	<p>This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:</p> <ul style="list-style-type: none"> • Applicants for drivers' licenses • Existing licensed drivers whose licences are being reviewed • Licensing officers • Members of the Public Protection Committee • Magistrates hearing appeals against local authority decisions
1.5	Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Public Protection Sub-Committee. Whilst officers and the Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

2	General policy
2.1	There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
2.2	<p>A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:</p> <ul style="list-style-type: none"> a. Remain free of conviction for an appropriate period; and b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). <p>(Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).</p>
2.3	Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
3	Appeals
3.1	Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
3.2	Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
3.3	Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation.
4	Powers
4.1	Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2	The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
4.3	In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
5	Consideration of disclosed criminal history
5.1	Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into: <ul style="list-style-type: none"> • How relevant the offence(s) are to the licence being applied for • How serious the offence(s) were • When the offence(s) were committed • The date of conviction • Circumstances of the individual concerned • Sentence imposed by the court • The applicant's age at the time of conviction. • Whether they form part of a pattern of offending • Any other character check considered reasonable (e.g. personal references) • Any other factors that might be relevant
5.2	Existing holders of drivers' licences are required to notify the licensing authority in writing within seven days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
5.3	Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing office on 01253 658422 in confidence for advice.
5.4	The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

5.5	Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. Applicants for an operator's licence will be required to obtain a standard DBS check at their own expense (unless they are the holder of a current hackney carriage or private hire drivers licence issued by Fylde Council). The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
5.6	The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
5.7	It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
5.8	For renewal applications and current licence holders the policy will not be applied retrospectively where there are no new concerns or convictions. The policy will be applied to existing licence holders if any additional convictions are incurred or they are otherwise brought to the attention of the Council for conduct that would call into question a person's suitability to hold a licence.
5.9	Offences not covered by this Policy will be considered by the Council when determining whether the applicant/licensed driver is a fit and proper person.
6	Serious offences involving violence
6.1	Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
6.2	In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
6.3	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> • Murder

	<ul style="list-style-type: none"> • Manslaughter • Manslaughter or culpable homicide while driving • Terrorism offences • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
6.4	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 10 years prior to the date of application:</p> <ul style="list-style-type: none"> • Arson • Malicious wounding or grievous bodily harm which is racially aggravated • Actual bodily harm which is racially aggravated • Grievous bodily harm with intent • Robbery • Possession of firearm • Riot • Assault Police • Common assault with racially aggravated • Violent disorder • Resisting arrest • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
6.5	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to those below and the conviction is less than 5 years prior to the date of application:</p> <ul style="list-style-type: none"> • Racially-aggravated criminal damage • Racially-aggravated offence • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
6.6	<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:</p> <ul style="list-style-type: none"> • Common assault • Assault occasioning actual bodily harm • Affray • S5 Public Order Act 1986 offence (harassment, alarm or distress) • S.4 Public Order Act 1986 offence (fear of provocation of violence) • S4A Public Order Act 1986 offence (intentional harassment, alarm or distress) • Obstruction Page 24 of 49 • Criminal damage • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.7	A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
6.8	In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
7	Possession of a weapon
7.1	If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.
7.2	2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted
8	Sex and indecency offences
8.1	As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinized. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before a licence will be granted.
8.2	Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults • Sexual assault • Indecent assault • Exploitation of prostitution • Grooming, Trafficking for sexual exploitation or other sexual exploitation related offences • Possession of indecent photographs, child pornography etc. • Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver • Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
8.3	Before an application will be considered, an applicant should be free of conviction for at least 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as: <ul style="list-style-type: none"> • Indecent exposure • Soliciting (kerb crawling)

	<ul style="list-style-type: none"> • Or any similar offences (including attempted or conspiracy to commit).
8.4	In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
8.5	A licence will not normally be granted if an applicant has more than one conviction for a sexual/indecency offence.
9	Dishonesty
9.1	A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For all these reasons, a serious view is taken of any conviction involving dishonesty.
	<p>In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:</p> <ul style="list-style-type: none"> • theft • burglary • fraud • benefit fraud • handling or receiving stolen goods • forgery • conspiracy to defraud <p>Page 26 of 49 Hackney Carriage and Private Hire Licensing Policy 2016</p> <ul style="list-style-type: none"> • obtaining money or property by deception • other deception • taking a vehicle without consent • and any similar offences • Or any similar offences (including attempted or conspiracy to commit) <p>offences which replace the above</p>
9.3	A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
9.4	Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not normally be issued with a licence.
10	Drugs

10.1	A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
10.2	A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
10.3	A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
10.4	An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
10.5	If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.
10.6	A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
11	Driving offences involving the loss of life
11.1	A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
11.2	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as: <ul style="list-style-type: none"> • Causing death by dangerous driving • Causing death by careless driving whilst under the influence of drink or drugs • Causing death by driving: unlicensed, disqualified or uninsured drivers • or any similar offences
12	Drink driving/driving under the influence of drugs/using a mobile phone whilst driving
12.1	As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. Normally at least 3 years, after the restoration of the driving licence following a drink/drug drive

	conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
12.2	<p>Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they :</p> <ul style="list-style-type: none"> • are much less aware of what's happening on the road around them • fail to see road signs • fail to maintain proper lane position and steady speed • are more likely to 'tailgate' the vehicle in front • react more slowly, take longer to brake and longer to stop • are more likely to enter unsafe gaps in traffic • feel more stressed and frustrated
12.3	There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
12.4	A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.
13	Licensing offences
13.1	Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.
13.2	A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.
14	Insurance Offences
14.1	A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour.
14.2	A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

14.3	An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.
15	Outstanding charges or summonses
15.1	If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
15.2	If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
16	Non-conviction information
16.1	If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
16.2	In assessing the action to take, the safety of the travelling public must be the paramount concern.
17	Cautions
17.1	Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
18	Licences issued by other licensing authorities
18.1	Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
18.2	Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.
19	Summary

19.1	To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
19.2	Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
19.3	While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Appendix B – Private Hire Driver Conditions

1	A driver at all times when acting in accordance with the driver's licence granted to him wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
2	Any change affecting this licence must be notified within 14 days of such to the Chief Executive.
3	This licence must be made available for inspection on request by any authorised officer of the Council or any Police Officer.
4	The driver or proprietor of a Private Hire Vehicle shall not cause, allow or permit any advertisement or signs of any kind to appear on any part of the vehicle, apart from Fylde Borough Council Private Hire Door signs, or any additional approved livery,
5	The driver or proprietor shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or material particular illegible.
6	The driver of a Private Hire Vehicle 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.
7	The driver of a Private Hire Vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
8	The proprietor or driver of a Private Hire Vehicle when hired to drive to a particular destination shall proceed to that destination by the shortest route.
9	A proprietor or driver of a Private Hire Vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the Private Hire Vehicle Licence.
10	A proprietor or driver of a Private Hire Vehicle shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
11	A proprietor or driver of a Private Hire Vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein, carry it as soon as possible and in any event

	within 48 hours to the Town Hall, or the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.
12	A driver of a Private Hire Vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for the purpose.
13	If the Private Hire Vehicle is fitted with a taximeter then (unless the hirer expresses at the commencement of the journey his desire to engage by time) the meter shall be brought into operation at the commencement of the journey and the fare demanded by the Private Hire Vehicle Proprietor or Driver shall not be greater than that fixed by this Council in connection with the hire of Hackney Carriages.
14	In the event of a journey commencing in but ending outside the Fylde Borough there may be charged for the journey such fare or rate if any as was agreed before the hiring was affected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.
16	At all such times whilst the vehicle is being used as a Private Hire Vehicle there shall be displayed on the windscreen of such vehicle (adjacent to the vehicle excise licence disc) the licence disc issued by the Council which identifies the vehicle as a Private Hire Vehicle.

Appendix C – Code of Conduct for Licence Holders

This code of conduct should be read in conjunction with the other statutory and policy requirements set out in this document.
<p>Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:</p> <ul style="list-style-type: none"> • Complying with the Code of Conduct; • Complying with all the conditions of their licence, the Hackney Carriage and Private Hire Policy and where applicable the hackney carriage byelaws • Behaving in a civil, orderly and responsible manner at all times
<p>Licence holders shall:</p> <ul style="list-style-type: none"> • Maintain their vehicles in a safe and satisfactory condition at all times; • Keep their vehicles clean and suitable for hire to the public at all times; • Attend punctually when undertaking a pre-booked hiring; • Assist, where necessary, passengers into and out of vehicles • Offer passengers reasonable assistance with luggage
<p>To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:</p> <ul style="list-style-type: none"> • Not sound the vehicle horn illegally; • Keep the volume of radio/music to a minimum • Switch off the engine if required to wait
<p>At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall in addition to the above:</p> <ul style="list-style-type: none"> • Rank in an orderly manner and proceed along the rank in order, moving along promptly • Remain in or near to the vehicle
<p>At private hire offices a licence holder shall:</p> <ul style="list-style-type: none"> • Not undertake servicing or repairs of vehicles; • Not allow their radio/music to cause disturbance to residents • Take whatever action is necessary to avoid disturbance to residents which might arise from the conduct of their business.
<p>Licensed drivers shall</p> <ul style="list-style-type: none"> • Pay attention to personal hygiene and dress so as to present a professional image to the public; • Be polite and helpful to passengers • Treat all customers with dignity and respect regardless of their sex, race, disability, sexual orientation, trans gender, religion or belief • Drive with care and due consideration for other road users and pedestrians • Obey all traffic order and directions at all times • Not consume alcohol

Appendix D – Driver Dress Code

The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Fylde to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standard of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a minimum standard, males should wear knee length shorts/long legged trousers and a shirt which has a full body and as a minimum short sleeves.

As a minimum standard, females should wear knee length shorts/long legged trousers, skirt or dress and a shirt / blouse which has a full body and as a minimum short sleeves.

Footwear

Footwear for all drivers shall fit around the heel of the foot.

Unacceptable Standard of Dress

The following are deemed to be unacceptable:

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

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

Appendix E – Code of Conduct when working with Vulnerable Passengers

A vulnerable passenger is a person whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, elderly person and someone with learning difficulties for example. It can include someone who is vulnerable due to an excessive level of intoxication.
The code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. Licensed drivers should adopt the following practices:
Drivers should carry photo ID at all times and wear it in accordance with the conditions of licence/byelaws
The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures however they should check that they are in place.
When making a journey with vulnerable passengers photo identification should be produced to the carer responsible for the vulnerable person. If necessary you should obtain a record of the carer's contact details if there is no chaperone.
If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.
Always ask if a vulnerable person needs help do not assume
<p>Drivers should remain professional at all times and should not:</p> <ul style="list-style-type: none"> • Touch a vulnerable person inappropriately • Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language) • Behave in a way that may make a vulnerable passenger feel intimidated or threatened • Attempt to misuse personal details obtained via the business about a vulnerable person
A log should be maintained by drivers where a service has been provided to a vulnerable passenger including any incidents occurring/actions taken or refusals of service.
If you are concerned about the safety, welfare or behaviour of a vulnerable person you should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

If you are concerned about someone else's conduct you should report your concerns to the Council's licensing department 01253 658422, the police on 101 or Crimestoppers 0800 555111

Appendix F – Vehicle Specification

General
All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney or private hire). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles. All hackney carriage vehicles will also be subject to the requirements of the bye-laws made in respect of hackney carriages in so far as they relate to vehicles.
All vehicles shall have an appropriate "type approval" which is either a :- i) European Whole Vehicle Type approval; ii) British National Type approval; or iii) British Single Vehicle Approval. It is also recommended that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle.
All vehicles shall be right hand drive (unless satisfying the additional conditions relating to limousines).
The maximum permitted length is 18 feet and the maximum permitted weight is 3500kg.
All vehicles, other than stretched limousines that also meet at least the Euro 1 emissions standards, shall be less than twelve years old from the date of manufacture, unless appropriate for the Exceptional Quality Policy.
Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.
Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.
All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.
No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Team. It is unlikely that anything not of the manufacturer's specification other than vehicle colour will be authorised.
Doors
All saloons, hatchbacks, estates or purpose built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

Interior Dimensions
Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.
Knee Space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.
Seats
Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be folded or removed and without the need for more than one passenger to move. Minibuses and MPV's that are unable to comply with this requirement may still be approved at the discretion of the Authority.
Passenger seats must be at least 400mm (16") wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm (34") headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm (7") legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
In relation to the carriage of Child Passengers under 3 years of age in the front seat, an appropriate child restraint MUST be worn. If a child restraint is not available, children under three must travel in the rear and may be unrestrained. Children of three years or over, up to 135cm tall must sit in the rear and use an adult seat belt. Children aged twelve years or more, or over 135cm tall, may travel in the front but must wear a seat belt.
Seat Belts
All vehicles must be fitted with fully operational rear seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.
Luggage
Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
Maintenance and Condition of the Vehicle

The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

Licence Plates, Signage and Stickers

Except as provided at below, at all times while the vehicle is being used as a hackney or private hire vehicle there shall be securely fixed to the front and rear of the vehicle the appropriate Vehicle Licence Plates supplied by the Council.

The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plates referred to above. (For these purposes children (of any age) are counted as one person).

At all times while the vehicle is being used as either a hackney carriage or private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the licence disc, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

Provided that they have received express written consent from the Council, limousines and other professionally chauffeured vehicles may, in certain circumstances, not be required to display the external vehicle licence plates but must comply with the requirements of 13.3 above in respect of displaying the internal licence disc.

All applications for dispensation from the requirements to display external vehicle licence plates will be considered by the Public Protection Committee who will take account of the individual circumstances of the case. Dispensations are unlikely to be granted unless the applicant can satisfy the committee that their vehicle(s) are of such a type and age that they would be appropriate for executive travel and that such work represented at least 80% of their total business (verified by operator records in the case of existing vehicles). Such vehicles must display a windscreen badge, provided by the

council. These badges will show the details of the vehicle as they appear on the plate. Vehicle licence plates and door signs will be provided and must be carried in the boot of the vehicle at all times. Vehicles given this exemption will normally be limousines, executive type cars, such as top range Mercedes, BMW's etc.

Roof Signs

Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI" " or "TAXIS" on the side facing the front and the name of the company, or its telephone number, or the word "TAXI" " or "TAXIS", or any combination of the three on the side facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 14 metres.

The roof sign must be centrally mounted on the vehicle roof and must be adequately secured either directly to the roof by suitable magnets or other means or by mounting on a single roof bar and secured by bolts, straps, or clamps.

Minibuses, transits and people carrier type vehicles which are not fitted with an appropriate roof sign, as indicated above, shall have the word "Taxi" in letters of between 20 cm and 30 cm in height displayed on the front and rear of the vehicles so that they can be clearly identified as a hackney carriage vehicle.

A sign must also be affixed to the vehicle indicating that smoking is not permitted in the vehicle.

Private Hire Vehicle

Self-adhesive identification signs as approved and supplied by the Council, indicating that insurance is invalid unless the vehicle is booked by private hire, must be affixed to the to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire plates affixed.

A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage. Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" the use of which is not permitted. No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

Additional livery relating to the Private Hire Operator may be displayed. For saloons, hatchbacks and estate cars the lettering of all advertising/graphics etc must be a maximum height of 7.5 cm and must be confined to either the

rear doors or the rear of the vehicle to a size which does not exceed 800 sq. cms on either side or on the rear of the vehicle.

For minibuses, transits and similar people carrier type vehicles, the lettering of all advertising/graphics etc must be a maximum height of 12.5 cm and must be confined to either the rear doors, the rear wings or the rear of the vehicle to a size which does not exceed 1400 sq. cms. on either side or on the rear of the vehicle.

No signs whatsoever, other than the identification signs approved and supplied by the Council must be affixed to the drivers' door and front passenger door panels of the vehicle.

Advertising on Hackney Carriages

Advertising that has received approval from the Licensing Team, including full vehicle vinyl wraps is permitted on Hackney Carriage Vehicles.

The following types of advertising will not be approved:

- Advertising of a sexual nature
- Advertising promoting alcohol
- The advertising of cigarettes and other forms of tobacco products including e-cigarettes and similar products
- Advertising promoting gambling or forms of gambling

No sign or advertisement should obliterate the vehicle licence plate or the registration number of the vehicle.

Advertising on Private Hire Vehicles

Advertising of businesses or products is not permitted on a private hire vehicle other than the details of the operator of the vehicle.

Meters

A calendar-controlled taximeter must be fitted and must be correctly calibrated, sealed and fully functional and easily visible to passengers.

The Council acknowledge the case law in Curzon and that a meter may be set to tariff less than the Council maximum. Where a meter is set lower than the Council maximum, a notice shall be displayed in the vehicle clearly displaying the tariff the meter is set too.

Private Hire Meters

Private Hire Vehicles may be fitted with a taximeter, but are not required to be fitted with meters. Any taximeter fitted to a private hire vehicle must comply with those requirements set out above which appertain to such meters when fitted in hackney carriage vehicles.

Trailers
<p>Trailers may only be used with the prior approval of the Council and subject to the following requirements:</p> <ul style="list-style-type: none"> - Trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank; - The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986; - The vehicle insurance must include cover for towing a trailer - Trailers must not be left unattended anywhere on the highway - The speed restrictions applicable to trailers must be observed at all times - A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
Disability Access
<p>The design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. The exception being when hydraulic lifting platforms are fitted to a vehicle.</p>
<p>Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:</p> <ul style="list-style-type: none"> (i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus. (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit. (iii) A suitable restraint must be available for the occupant of a wheelchair. (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper. (v) Ramps and lifts must be securely stored in the vehicle before it may move off. <p>Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.</p> <p>Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.</p>
Vehicles Powered by Liquid Petroleum Gas (LPG)
<p>An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate</p>

issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

Tinted Windows

Any window tint must comply with relevant UK legislation.

Changes

Any change affecting this vehicle licence must be notified within 14 days of such change, to the Licensing Team.

When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Licensing Officer, in writing, before such change takes place. Failure to do so is likely to result in the refusal to renew the licence.

Unauthorised Use

The proprietor of a private hire vehicle or hackney carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire or hackney carriage driver's licence, as appropriate, issued by Fylde Council.

Accident Reporting

If any licensed vehicle is involved in an accident, this must be reported to the Licensing Officer as soon as reasonably practicable and in any event within 72 hours of the accident.

Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use.

A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:

- (i) the damage to, or defect in, the vehicle has been reported;
- (ii) application is made in the usual way for a change of vehicle (albeit temporarily);
- (iii) the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;

(iv) the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

Additional Conditions relating to Limousines

Types of Vehicles

The vehicle must have one of the following:

- (i) British Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate
- (iv) Limousine Declaration of Condition of Use

Vehicle and Safety Equipment

Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same

The Proprietor of a vehicle shall:-

- (i) ensure that the fire extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed private hire vehicles should be mounted on brackets, in a convenient position in the driver's compartment;
- (ii) ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles(Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified;
- (iii) ensure that loose luggage is not carried within the passenger compartment of the vehicle;
- (iv) ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council and are operated in accordance with this Policy
- (v) display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.

Vehicles may be left or right hand drive providing that they have proof of full DETR vehicle type approval.

The passenger compartment of the vehicle may be fitted with darkened or blackened glass.

<p>The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.</p>
<p>Use of Vehicle</p> <p>The vehicle shall not be used for every day Private Hire use.</p> <p>The proprietor of the vehicle shall:-</p> <ul style="list-style-type: none"> (i) ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by Fylde Borough Council; (ii) not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers; (iii) not convey any passengers in the front compartment of the vehicle; (iv) not supply any intoxicating liquor in the vehicle unless there is in force an appropriate premises licence permitting the sale or supply of the same.
<p>Vehicle Identification Discs</p> <p>The vehicle will not be required to display the front and rear, external private hire vehicle licence plates which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with two licence discs which identify the vehicle as a private hire vehicle on which will be displayed the registration number that vehicle and the number of passengers permitted to be carried.</p> <p>The proprietor shall ensure that:-</p> <ul style="list-style-type: none"> (i) one vehicle identification disc is displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read. The other identification disc shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) as to be visible to persons conveyed therein; (ii) no Private Hire Limousine Vehicle Disc shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle discs shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs and licence to the Council within seven days.
<p>Signs, Notices etc</p>
<p>No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.</p>
<p>Insurance/ MOT Certificate</p>

The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- (i) a current Certificate of Compliance test certificate.
- (ii) a policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.

These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.

If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

Appendix G – Exceptional Quality Policy

The Hackney Carriage and Private Hire Licensing Policy document provides that no vehicle shall be licensed if it is over the age of 12 years unless it satisfies an exceptional quality policy.

To be considered suitable for the Exceptional Quality Policy, the following conditions apply.

- The vehicle must pass the initial pit test – vehicles with three or fewer faults (excluding bulbs) will be permitted to undertake the necessary repairs and submit for a re-test; vehicles with four or more faults will fail and will not be permitted a re-test.
- The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with three or fewer defects as detailed below will be permitted to undertake necessary repairs and submit for a re-test. Vehicles with four or more defects will fail, and will not be permitted a re-test.

Exterior

All bodywork to be clean and sound, free from rust, corrosion, dents, scrapes or significant scratches or loose panels

All paintwork must be in first class condition with no egg-shell finish or different shades or colours either inside or outside which are visible to the public

All wheel trims to be fitted according to the manufacturer's specification and all matched

Door or wing mirrors to be in good condition. 2 wing mirrors and an interior mirror are required.

Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Hinging rear number plates must be maintained so that the number plate is visible at all times.

Front and rear bumpers to have no rust, corrosion, dents, cracks or scrapes and be securely fitted. End caps must be fitted

Mud flaps, if fitted should be maintained

No broken, cracked or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour

Radiator grills should be secure and the original specification

Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted

All door locks and boot locks fitted to be in working order

All doors should be easily opened and in good working order
All door handles should be properly fitted easily operated and of original specification

A spare wheel which conforms to legal requirements must be carried and securely fitted along with the relevant jack and wheel brace

All tyres to conform to legal requirements

All road wheels to be clean and free from significant marks or damage and rust free

Vehicle to have a current MOT certificate

Evidence of servicing and maintenance over the last twelve months must be produced.

Interior

All seats to be manufacturer's original design, should match, be securely fitted with no stains, holes or tears, without seat covers

All seat belts should be clean, in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers should be properly fitted and match original trim

All panels should be clean and match original trim

Fitted carpets should be of original specification, securely fitted with no stains or holes

All instruments and accessories should be fitted securely, match trim and be in good working order.

Headlining to be stain free, clean with no holes or tears

All windows to operate correctly and easily

Brake, clutch and accelerator pedal rubbers to be fitted and in good condition

The inside of the vehicle should be free from any trailing or loose wires

The boot and/or luggage space should be clean and tidy with an unstained carpet or cover to manufacturer's specification

If a hatchback, the boot cover must be original with both lifting straps fitted. A cargo guard should be fitted in estate vehicles

Gear lever gaiters, if fitted, should be in good condition

All lights should be in working order with appropriate covers securely fitted

Window locks, handles where provided by the manufacturer to be in working order

Heated rear screen to be in proper working order.

Ramps, if fitted must be in good working order.

Guidance Notes

In the event of a vehicle being issued with an immediate or delayed prohibition notice by VOSA, the vehicle will immediately be disqualified from complying with the exceptional condition exemption.

Vehicle owners should note that this document only details the elements necessary to comply with the exceptional quality policy. Any licensed vehicle must comply with the requirements of Annexe A of the Hackney Carriage and Private Hire Policy at all times

MOT items – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example a leaking brake cylinder and a bald tyre are 2 faults.

Interior and exterior faults – as a general rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example – holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

Fixing – all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.

Poor Workmanship – repairs should be carried out to a high standard. Defects resulting from poor preparation or poor application of a paint finish are likely to result in the vehicle not reaching the required standard. Such defects may include runs, dust in the paint, orbital sander marks, poor paint coverage and overspray.

Gloss Finish – Paintwork should have a gloss finish over the whole vehicle. Where the paintwork has begun to fade due to age and the effects of ultraviolet degradation over large areas of the vehicle, where it cannot be returned to an acceptable gloss level by the use of cutting compounds refinishing may be required.

Replacement panels – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that

- The repairs have been carried out to a high standard
- The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings, and
- The replacement panel has been correctly aligned, level with all adjacent panels. The gaps between panels should be uniform and similar to those between original panels.

Appeals

Where a proprietor is aggrieved by the decision of a vehicle tester concerning the standard of the vehicle, the initial appeal shall be to the mechanics supervisor. In the event that the proprietor remains aggrieved, a further appeal will lie to Steve Fulton FMS Manager.

Definition of consumables

The following items will not be counted as faults, but should be rectified as soon as reasonably practicable:

- Light bulbs not working
- No fire extinguisher
- No fare card on display
- Absence of vehicle signage
- A missing licence plate
- Taxi meter not operating correctly

Appendix H – Private Hire Vehicle Licence Conditions

There shall be a policy of insurance or such security as complies with the requirements of Part IV of the Road Traffic Act 1972 during the currency of the private hire vehicle licence.
Any change affecting this licence must be notified within 14 days of such change to the Council.
Any proprietor of a private hire vehicle shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof any accident to such private hire vehicle.
This licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.
The proprietor of a private hire vehicle shall not allow the vehicle to be driven and used for private hire by any person who does not hold a current private hire driver's licence issued by Fylde Borough Council.
At all times while the vehicle is being used as a private hire vehicle there shall be affixed to the rear of such vehicle in such a manner as to be distinctly visible the licence plate issued by the Council which identifies the vehicle as a private hire vehicle.
<p>The proprietor of a private hire vehicle shall:-</p> <ul style="list-style-type: none"> - cause the fittings and furniture, the floor and floor coverings of the vehicle to be kept in a clean condition. - Provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver. Provide any necessary windows and a means of opening and closing not less than one window on either side. - Provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use. - The driver or proprietor of a private hire vehicle shall not cause, allow or permit a roof sign to be affixed to the vehicle.
The driver or proprietor of a vehicle must affix identification signs, issued by the Council, to the driver's door and passenger door of the said vehicle. (These signs should not be tampered with in any way.
If the private hire vehicle is fitted with a taximeter than (unless the hirer expressed at the commencement of the journey his desire to engage by time) the meter shall be brought into operation at the commencement of the journey and the fare demanded by the private hire vehicle proprietor or driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages.

<p>In the event of such a journey commencing in but ending outside the Fylde Borough there may be charged for the journey such fare or rate of fare if any as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.</p>
<p>If the vehicle hereby licensed is not fitted with a taximeter than at all times whilst the vehicle is being used as a private hire vehicle, there shall be exhibited within the vehicle, so as to be plainly visible to passengers carried therein a notice to be issued by the Council indicating that the hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.</p>
<p>If the vehicle hereby licensed is fitted with a taximeter:</p> <ul style="list-style-type: none"> - The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle, and for the purpose the letters and figures shall be capable of being suitably illuminated during any period of the hiring. - The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. - The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Licensing Act 1957 and also at any time at the request of the hirer. - If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council may be made.
<p>A private hire vehicle shall not be of the London Taxi type.</p>
<p>At all such times while the vehicle is being used as a private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the licence disc, which identifies the vehicle as a private hire vehicle.</p>
<p>The Holder of the licence shall not refuse any reasonable request to carry a guide dog accompanying a blind passenger or a "helping dog" accompanying a disabled passenger.</p>

Appendix I – Private Hire Operator Conditions

Records, which must be kept by operators, under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively for a period of 2 years. If records are kept in computerised format these should be kept for a period of two years (unless an alternative period has been agreed with the Council in writing) and should be made available to an authorised officer of the Council on request.

Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -

- the date of the booking
- the name of the hirer
- the time of pick-up
- the address of the point of pick-up
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated
-

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- Type, Make, Model, Colour and Engine Size of Vehicles
- the year when the vehicle was first licensed for private hire
- Vehicle Registration Numbers
- the number of seats for passengers
- owners
- a copy of a current insurance certificate
- whether a meter is fitted
- Private Hire Vehicle Licence number
- A copy of the Private Hire Vehicle licence

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- details as to the drivers of the vehicles, and their call signs
- details of when any new driver begins service
- details of when any driver's service ceases Page 48 of 49
- details of any change of address of any driver in service
- if he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties, details of that information
- expiry dates of driver's badges and vehicle licences
- a copy of the Private Hire drivers licence
- a copy of the DVLA licence

All records must be maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorised officer.

The operator shall notify the Authority in writing of any change affecting this licence including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Officer.

The operator shall, within 7 days of conviction, notify the Licensing Service in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty.

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

Appendix J – Fares**Hackney Carriage Fares**

Hackney Carriage Fare scales will not generally be reviewed more than once per year between January and March with any change agreed being implemented once the required period for objection specified in the Public Notice has passed.

In reviewing the scale of maximum fares to be charged locally, consideration will be given to the percentage by which the "National Average" of Tariff One, 2 mile journey fares (as published in Private Hire & Taxi Monthly magazine) increased since the fees were last increased by Fylde Council (i.e. January 2013 to January 2017). In general, this average percentage will constitute the maximum percentage increase in fares above which the authority would not generally consider any application for a tariff increase.

Appendix K – Intended Use Policy

Applications for the New Grant of a Hackney Carriage Licence

Applicants for new hackney carriage vehicle proprietor licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of Fylde under the terms of the licence for which application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the local authority area of Fylde will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Each application will continue to be decided on its merits.

Even where the applicant intends to ply for hire to a material extent in the Fylde local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Applications for the Renewal of a Hackney Carriage Licence

Applicants for the renewal of licences will be required to inform the Authority whether they have a bona fide intention to ply for hire within the Fylde local authority area under the terms of the licence for which application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within Fylde will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") gives the authority a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

Even where the applicant intends to ply for hire to a material extent in the Fylde local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Transfer of Ownership of Hackney Carriage

The transferee of a licensed hackney carriage shall be asked to inform the Authority whether they have a bona fide intention to ply for hire within the Fylde local authority area. Transferees should note the obligation under Section 73 the 1976 Act to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.

Transferees of existing licences shall be expected to have a bona fide intention to ply for hire with the Fylde local authority area under the terms of the licence in respect of the vehicle being transferred.

Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the Fylde local authority area and/or intends to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence. Where the transferee proposes to operate remotely from Fylde there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

Change of Vehicle – When a Proprietor Replaces a Licensed Vehicle

Applicants seeking the grant of a hackney carriage vehicle proprietor's licence for a vehicle intended to replace another licensed vehicle shall be asked to inform the authority of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within Fylde will not have the new licence granted.

Even where the applicant intends to ply for hire to a material extent in Fylde, if the intention is to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

Revocation of Licence

Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within Fylde but is subsequently found not to be plying for hire to a material extent in Fylde and/or to be trading in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be reviewed by the Authority which could lead to the revocation of that licence.

Exceptional Circumstances

Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within Fylde will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances exist will be expected to be able to satisfy the Authority that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

Reasons for Policy

The Authority wishes to ensure that applications for the grant of hackney carriage vehicle proprietor licences are determined in accordance with the guidance given by the High Court in its judgement and the Declaration made in the case of Newcastle City Council v Berwick upon Tweed (2008).

The Authority is required to register the name of the new proprietor of a hackney carriage vehicle. Section 3 of this policy is intended to put the Authority in a position to respond responsibly to the transfer of a Fylde hackney carriage into the name of someone who operates outside Fylde or remotely from it.

Unless there has been a change in the vehicle proprietor's intentions with regard to plying for hire within Fylde, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within Fylde and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

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Date: Month / Year

Review Date: Month / Year

Our Ref: XXXXXXXXX

Authorised by: Insert Name and Position



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	19 JULY 2017	6
EQUALITY ACT			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The purpose of this report is to advise Members of the implementation of sections of the Equality Act 2010, which impact on the taxi trade.

RECOMMENDATION

That the Committee consider the report to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions in this matter.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- On 6th April 2017 Sections 165 and 167 of the Equality Act (The Act) came into force. For ease of reference, the sections are appended in full to this report at Appendix A.
- To summarise, S165 places duties on the driver of a taxi or private hire vehicle, making it an offence not to offer reasonable assistance, to charge extra for providing any assistance, or to refuse a fare from a disabled passenger altogether.
- S.167 grants Licensing Authorities the power to maintain a list of designated licensed vehicles which are wheelchair accessible, and should include the details only of vehicles which are capable of carrying a passenger in their wheelchair. The list should include the make and model of the vehicle, whether or not it is a hackney carriage or private hire vehicle, and the name of the proprietor or operator.
- It is important to note that it is not a requirement of any Licensing Authority to maintain a list under S.167 of The Act, however, if the Authority decides not to maintain such a list, S.165 does not have effect.

5. Under S.166 of the Act, drivers may already apply for an exemption from their duties of assistance to passengers in wheelchairs on medical or physical grounds, and this exemption may be valid for a length of time that the Authority think appropriate. There no exemptions currently issued in Fylde.
6. [Statutory guidance](#) has now been published by the Department of Transport, and therefore Licensing Authorities are obliged to give it due regard when making relevant policy decisions.
7. Members will note that it is strongly recommended that Licensing Authorities do choose to maintain a list of designated vehicles, which in turn activates the provisions of S.165, making it an offence for drivers to fail to give reasonable assistance.
8. Having regard to the guidance issued, Members are asked to confirm that they wish Officers to undertake the preparation of a list of designated vehicles, and to construct a policy governing the application process for an exemption certificate.
9. Members are asked to note section 2.8 of the statutory guidance setting out a timeline for the implementation of the changes.
10. If Members are minded to instruct Officers to proceed with the preparation of the necessary documents and procedures, then the completed regime will be presented for final approval at a subsequent meeting of the Public Protection Committee on 15th June 2017, following which drivers will be given a period of time to apply for an exemption before the list of vehicles is published.
11. It should also be noted that the implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle, therefore it is recommended to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.
12. Members are therefore requested to consider the report and determine whether:
 - a) to proceed with the publication of a list of designated vehicles in accordance with S.167 of the Equality Act 2010.
 - b) Not to proceed with the publication of a list of designated vehicles in accordance with S.167 of the Equality Act 2010.

The implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle, therefore it is recommended to proceed with the publication of a list of designated vehicles in accordance with S.167 of The Equality Act 2010.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	The legal implications and considerations are set out in the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	implementation of S.167 of The Equality Act 2010 will assist people with a disability to easily access an appropriate vehicle
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk , Tel 01253 658422	29 th June 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Department for Transport, Access for Wheelchair Users to Taxis and Private Hire Vehicles	February 2017	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	19 JULY 2017	7
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - DAE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Following an application made to Licensing Team for the grant of a Hackney Carriage and Private Hire Driver's Licence, the Committee is requested to consider the application and determine if they consider the applicant fit and proper to hold such a licence.

RECOMMENDATION

That the Committee consider the report and determine the application.

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. An application has been received from DAE for the grant of a Hackney Carriage and Private Hire Driver's licence.
2. In accordance with the standard procedure for all applications, the applicant was requested to submit a Disclosure obtained through the Disclosure and Barring Service and undergo a medical examination.
3. The Disclosure has revealed cautions from 2011 and 2015, further information relating to which will be provided to members at the meeting.
4. The cautions were not declared by the applicant upon the application form.

5. Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a hackney carriage ... unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
6. Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that, “a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver’s licence.”
7. Appendix F of the Council’s Statement of Taxi and Private Hire Licensing Policy, concerning the Relevance of Convictions to Applications is attached for members information and use.
8. The applicant has been invited to attend the hearing and the Committee is therefore asked to determine the application.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	<p>The Committee should have regard to the requirements of fairness and proportionality in its procedures and to the European Convention on Human Rights in reaching its decision. However, the purpose of the system of driver licensing is to protect the public. If the committee considers that it should refuse the application in order to protect the public, it should not concern itself with the effect on the applicant.</p> <p>Where the council has adopted a policy which applies to a particular matter, it must take the policy into account when making its decision. Although it is not bound to follow the policy, any decision that is contrary to it should be supported and explained by clear and adequate reasons for departing from the policy.</p>
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Chris Hambly	chris.hambly@fylde.gov.uk Tel 01253 658422	5 th July 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents

Appendix 1 - Appendix F of the Hackney Carriage and Private Hire Licensing Policy

APPENDIX F

RELEVANCE OF CONVICTIONS TO APPLICATIONS

The following guidelines will be used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licences. In so stating, this Authority has adopted the guidelines set out in the DOT Circular 2/92 and HO Circular 13/92, subject to certain limited modifications.

General Policy

1. Each application will be determined on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. Listed below are some general principles relating to the determination of applications for drivers and operators of hackney carriages and private hire vehicles which will generally be followed where convictions are admitted.

3.1 Minor Traffic Offences

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc will not prevent a person from proceeding with an application. Multiple occurrences of similar current offences, however, merit the issue of a warning as to future driving standards. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction. A warning will, however, be given about future driving standards.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the magistrates' court, the driver's hackney carriage or private hire licence may still be revoked or suspended. Such a matter will always be dealt with by way of a disciplinary hearing (see Appendix M).

3.2 Major Motoring Offences

An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 2 years will normally merit refusal with no further application then being considered until a period of 1 to 3 years free from convictions has elapsed. A single conviction for causing death by careless driving or by dangerous driving will be reported to the Public

Protection Committee for determination on the merits of the case.

3.3 Applications where Minor Traffic Offences are not Declared

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the licensing officer may, if he thinks fit, still issue the licence subject to a warning regarding future conduct. If, however, he considers that there was a premeditated intent to deceive, he will normally refer the matter to the Public Protection Committee to be dealt with by way of a disciplinary hearing (see Appendix M).

3.4 Drunkenness

3.4.1 With a motor vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink. Where a disqualification has been imposed as a result of a drink-driving offence, an application will generally be refused unless a period of 5 years free of conviction has passed since the return of the DVLA licence. More than one conviction for such offences will raise grave doubts as to the applicant's fitness to hold a licence and will normally require at least a 10 year clear period from conviction before an application is likely to be considered favourably. If there is any suggestion that the applicant is an alcoholic, a special medical examination will be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years must elapse after treatment is complete before a further licence application is considered.

3.4.2 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

3.5 Drugs

An applicant with a conviction for a drug related offence is required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

3.6 Sexual or Indecency Offences

The drivers of hackney carriages and private hire vehicles often carry passengers who are alone or may be vulnerable. Applicants who have convictions for rape, indecent assault, any sexual offence involving children or other vulnerable victims or any conviction for an offence under the Sexual Offences Act 2003, will, therefore normally be refused a licence. No application will be considered from a person currently on the Sex Offender's Register. Where an applicant has a conviction for a lesser sexual offence, such as indecent exposure, they will normally be refused a licence until they can show a substantial period, usually at least 5 years, free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed. More than one conviction of this kind will raise grave doubts as to the applicant's fitness to hold a licence and will normally require at least a 10 year clear period from conviction before an application is likely to be considered favourably. In all cases, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence. When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

3.7 Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for offences involving violence. Applicants with a conviction or caution for grievous bodily harm, wounding, serious assault, possession of a dangerous weapon or other serious offence involving violence or where the offence involved loss of life, will normally be refused a licence. At least 5 years free of such conviction or caution, from either the date of conviction or caution, or from completion of any custodial sentence imposed, which ever is the latter must be shown before an application is entertained and even then careful consideration will be given to the circumstances of the offence and a strict warning will be administered. Convictions for minor violence related offences, e.g. threatening, abusive or insulting behaviour will not necessarily prevent a person from proceeding with an application. In deciding whether to grant such an application the authority will consider the nature of the offence, how long ago it was and what age the applicant was when it was committed and any other factors, which may be relevant.

3.8 Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, for example, by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become 'fair game' for an unscrupulous driver. For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of 5 years free of convictions will be required before an application is entertained.

3.9 Persistent Criminality

Due to the potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the well-being of others or for their property rights, would normally be refused.

3.10 Other Offences and special circumstances

If the applicant has declared any other offences not listed above or the circumstances of the case justify it, the licensing officer will, if he considers it appropriate, refer the application to the Public Protection Committee for determination.

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	PUBLIC PROTECTION COMMITTEE	19 JULY 2017	8
DISCLOSURE AND BARRING SERVICE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

At the meeting of the Public Protection Committee held on the 26th October 2016 the Committee considered a report regarding Disclosure checks through the Disclosure and Barring Service and resolved, "That the Committee notes the report and authorises officers to investigate the options of outsourcing disclosure checks and to report the findings to the 15th February 2017 Public Protection Committee for consideration."

The purpose of the report is to update members on Officers findings.

SOURCE OF INFORMATION

Chris Hambly, Environmental Health Manager

LINK TO INFORMATION

Information Note attached

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is being provided to the committee to update members on progress of outsourcing the process.

FURTHER INFORMATION

Chris Hambly, Environmental Health Manager

INFORMATION NOTE

Disclosure and Barring Service

1. Members will recall at the meeting of the Public Protection Committee on the 26th October 2016, an item was discussed regarding the Disclosure and Barring Service (DBS) and the provision of Disclosure Certificates. The item was raised following a request from a member of the trade to consider other options for Disclosures as the operator felt that delays in the processing of Disclosure Certificates were affecting his ability to recruit drivers.
2. Currently Fylde Council is a registered body with the DBS and submit Disclosure applications directly to them via the post. Fylde Council staff perform all the identity checks and the fee for the application is £44. No additional charge is made for the administration of the scheme.
3. Typically a Disclosure will be returned with 3-4 weeks but there a number of factors that can affect this turn round. If an applicant has lived within a number of Police Force areas the application may be delayed whilst checks are carried out. Furthermore, some Police Forces are facing significant delays in turning the applications round.
4. Only one copy of a Disclosure is issued which is sent directly to the applicant. Colleagues within the Licensing Team track applications on line and when it is noted a Disclosure has been issued, contact is made with the applicant for them to produce the certificate so the licence may be issued.
5. A meeting was held with Personnel Checks who are authorised to process DBS applications. It was noted that for all applications, proof of identity will always require evidencing and therefore if DBS checks were to be outsourced, it is possible Fylde Council may still have a role in verifying an applicant's identity.
6. The process would be as follows:
 1. *Driver will be required to confirm they meet all your pre-requisites and have obtained all supporting documents before they apply for their DBS & DVLA Checks.*
 2. *Driver will then pay for their DBS & DVLA either online or phone, after which Personnel Checks will email them full instructions and their DBS application login details and DVLA consent information.*
 3. *Once they have completed their application form, the driver will be required to attend a local crown Post Office to have their ID documents certified. This comes at a cost of £8.75 over the counter.*
 4. *The driver sends the ID documents to Personnel Checks who verify the ID documents before countersigning and submitting to the DBS and DVLA applications.*
 5. *Once both checks are completed, the council will be notified and Personnel Checks will inform the driver of the next steps*
7. In addition to the DBS fee of £44, there is also an administration charge of £15 + vat, whilst the cost of verifying documentation at a Crown Post Office is £8.75
8. Further discussions with the trade have not yet been held with the trade regarding the possibility of outsourcing DBS checks and a further meeting has been arranged with Personnel Checks for August 2017. The purpose of this Information Note is to provide members with the latest update regarding the request.

FURTHER INFORMATION AVAILABLE FROM

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