



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 27TH MARCH 2023
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 87DA

MEMBERS: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, A. B. L. English, C.A. Hotham, A. D. Kriss, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer and M. Thompson

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 29th September 2022 (Pages 7 - 16)
4. Hackney Carriage & Private Hire Age Limits and Testing Arrangements - Consultation Responses (Pages 17 - 114)
5. Review of Revised Sex Establishment Policy - Consultation Responses (Pages 115 - 156)
6. Licensing Committee Work Programme 2022/2023 (Pages 157 - 158)
7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special

circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

14th March 2023

**If you have any queries on this Agenda please contact
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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

THURSDAY, 29TH SEPTEMBER 2022, AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P. J. Whittaker (Vice-Chairman), S. P. Douglas, C.A. Hotham, A. D. Kriss, S. A. Robinson, H. D. N. Rone-Clarke and M. Thompson

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. P. Ross

9/22 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors A. B. L. English, C. J. Spencer and M. A. Sherrey.

10/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

11/22 **MINUTES**

The minutes of the Licensing Committee meeting held on 11th July 2022 were submitted.

RESOLVED that the minutes of the Licensing Committee meeting held 11th July 2022, be approved as a correct record.

12/22 **REVIEW OF STREET COLLECTION POLICY**

The Committee considered a report on the review of the Council's Street Collection Policy.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing informed the Committee that, the Council regulated charitable collections taking place in any street or public place under the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

The Council could regulate collections where there was a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).

Street collections were an important method of fund raising for charitable

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Causes. However, they can cause annoyance to the public if not suitably controlled and managed. This could lead to the public avoiding certain areas where they believed they would be asked to donate money every time they visited a certain area.

The current Street Collection policy was approved by the Licensing Committee on 22nd September 2014 and took effect from the 1st January 2015. It had therefore, been a number of years since the policy was last subject to review.

A revised version of the policy was therefore created, as detailed at Appendix 1 to the report. The Licensing Committee had previously resolved that officers should carry out a consultation exercise on the revised version of the policy. The consultation exercise was undertaken from 23rd June 2022 to 27th August 2022.

The following were all contacted and asked for their views on the updated policy document:

- Those who had applied for permits in recent years
- Local charities
- Representatives of charitable organisations
- Parish Councils
- Bromsgrove District Councillors
- Bromsgrove Centres Manager
- Markets Manager

In addition, the consultation exercise was made available via the Council's website and publicised via the local press and social media channels.

During the consultation exercise, the only responses received were from the Bromsgrove Centres Manager and the Markets Manager.

The Centres Manager noted that the regulations, as set out in the policy document, included one that stated "collectors must remain within the location as defined in the Permit and must remain stationary." The Centres Manager had asked if Licensing Officers could work with her and the Markets Manager to identify suitable locations for collectors to be positioned on Bromsgrove High Street. Officers were happy to do this but did not consider that any changes to the revised policy were required in order to facilitate this.

The Markets Manager had requested whether additional requirements could be included in the regulations to stop any collectors from being within the immediate vicinity of any market trader, in order to ensure that anyone who did not wish to make a donation to the charitable cause was not dissuaded from visiting that market trader.

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The Markets Manager had also requested whether the regulations could make it explicit that collectors should not shake their tins, which he considered to be a form of harassment of those who did not wish to make a donation.

Officers could see no particular concern with including these additional conditions within the revised policy document and had therefore made the amendments to the version of the policy consulted upon. This further revised version of the policy was detailed at Appendix 2 to the report.

Members were therefore, being asked to consider the responses received during the consultation exercise and to resolve to adopt the revised version of the Council's Street Collection Policy, as detailed at Appendix 2 to the report, with effect from 1st October 2022.

In response to questions from Members, the Principal Officer (Licensing), WRS, explained that cash collections could be regulated under the Street Collection Policy, however, it did not cover face to face fundraisers who asked people in the street or other public places to sign up to donating to charitable causes by direct debit. The Council therefore could not regulate this type of collection, however, the Council had engaged with the Public Fundraising Regulatory Association (PFRA) and had established a Site Management Agreement to control this type of collection.

The Site Management Agreement restricted direct debit collections to just two days of the week (Mondays and Wednesdays). This avoided any clashes with street (cash) collections and market days.

Members questioned street collection permits not normally being granted in the Town Centre (St. John's Ward), as St. John's Ward no longer existed and that the Town Centre was covered by three different ward areas:- Bromsgrove Central, Sanders Park and Sidemoor.

In response the Principal Officer (Licensing) WRS, noted this and agreed to amend the revised Street Collection Policy.

The Principal Officer (Licensing), WRS, further responded to questions from the Committee with regard to buskers and Big Issue sellers.

RESOLVED that following the amendment to the revised Street Collection Policy, with regard to the Ward Areas, as detailed in the preamble above, that

- a) the revised version of the Council's Street Collection Policy, as detailed at Appendix 2 to the report, be approved with effect from 1st October 2022.

13/22

HACKNEY CARRIAGE TABLE OF FARES

The Committee considered a report on the Hackney Carriage Table of Fares.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing informed the Committee that, in March 2022, the Licensing Committee had approved the advertisement of a revised table of fares which was subsequently implemented in May 2022.

At the time this decision was reached, Members also decided that the table of fares should be reviewed annually and that an interim review should take place during the second half of 2022 if the circumstances merited this.

Officers had also recently received a request submitted on behalf of hackney carriage licence holders, for the table of fares to be further varied to address some unintended consequences that were noticed by licence holders since the implementation of the revised table of fares in May 2022.

The current table of fares, as detailed at Appendix 1 to the report, were approved by the Licensing Committee at its meeting on 14th March 2022 and took effect on 16th May 2022.

The report also detailed, on page 30, the weekly fuel price data provided by the Department for Business, Energy and Industrial Strategy (BEIS); showing the average price of fuel in the week commencing 14th March 2022; and in the week commencing 12th September 2022, according to the same statistics, the average price of fuel.

This showed that fuel prices had continued to rise since March 2022. Fuel prices peaked in July 2022 but had been coming down gradually since then. The increase in fuel prices since March 2022 was despite the temporary 5p per litre reduction in fuel duty, effective from 6pm on 23rd March 2022.

The cost of fuel was of course only one factor that Members should consider when determining whether it was appropriate to vary the table of fares. Also, of relevance would be other general increases in the cost of living for hackney carriage proprietors.

As detailed on page 30 of the report, according to the data compiled by the Office for National Statistics (ONS), the Consumer Prices Index (CPI) rose by 9.9% in the 12 months to August 2022, up from 7.0% in March 2022 but down slightly from 10.1% in July 2022. The Bank of England had predicted that inflation would climb to around 13% later this year, driven by the unprecedented increase in energy prices. Inflation was then predicted to remain high throughout much of 2023 before

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beginning to fall towards the Bank of England target of 2%. Since the current table of fares had taken effect, officers were approached by representatives of the hackney carriage trade in Bromsgrove in respect of some unintended consequences that had been created by the new table of fares.

These included the fact that drivers of vehicles capable of carrying more than 4 passengers were now often not able to charge as much for journeys involving more than four passengers as they were under the previous table of fares from that was in operation from 1st August 2013 to 15th May 2022.

This was because the structure of the table of fares was amended in such a way as to remove the ability for drivers to charge 50% more than the standard tariff for those journeys involving the carriage of more than 4 passengers. Although an additional charge was included in the table of fares to allow the charging of £1 for every passenger in excess of 4, this did not provide the same level of recompense to drivers, particular for longer journeys involving the carriage of 5 or 6 passengers.

The trade representatives had therefore requested that the table of fares be amended to allow drivers to charge the Tariff Two rates for any journey where the number of passengers being transported exceeded four. As a consequence, the extra charge per passenger in excess of four would need to be removed from the table of fares.

Additionally, it was also highlighted that under the current table of fares, the mileage rate was the same on both Tariff One and Tariff Two – equivalent to £2.00 per mile. The flag charge was higher on Tariff One than it was on Tariff Two, but the trade representatives felt that the mileage rate should also be higher on Tariff Two to provide an additional incentive and recompense for drivers to work after midnight.

They had therefore requested that the mileage rate on Tariff Two be increased from 20p per 176 yards to 30p per 176 yards.

The trade had also requested that the mileage rate on Tariff Three be increased from 30p per 176 yards to 40p per 176 yards to provide further incentive and recompense for drivers to work on Christmas Day, Boxing Day and New Year's Day.

Finally, the trade representatives had asked that the maximum soilage charge be increased from £75.00 to £100.00. Whilst soilage charges very rarely had to be charged, the trade representatives believed that the maximum charge needed to cover the likely cost of cleaning the vehicle and to provide a level of compensation for the income lost whilst the vehicle was off the road being cleaned.

Taking into account the requests made by the trade representatives, officers had drafted a revised table of fares, as detailed at Appendix 2 to the report.

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Legislation required that any changes to the table of fares were published as a public notice and objections invited. If no objections were received the fares would come into force on the named date, 7th November 2022. If there were objections, then the Council must consider them and re-set the fares with or without variations. No further statutory consultation was required at that time.

Therefore, Members were being asked to consider the requests received and, if in agreement to make the variations requested and to direct officers to undertake the legal processes required to advertise the varied tariff shown at Appendix 2 to the report, with a view to this taking effect on 7th November 2022.

However, if any objections were received when the proposed variations were advertised, then the variations could not take effect until after those objections had been considered at a future meeting of the Licensing Committee.

Members raised several questions with regard to the increase in the tariff for multi passenger vehicles carrying five or more passengers. Members expressed their concerns that this could impact on families, facing colossal amounts of money when travelling together, whereby not all passengers were adults. Therefore, the increased fare would not be shared, as would be the case if all passengers travelling were adults.

The Principal Officer (Licensing), WRS, reminded the Committee that the increase in tariffs was for hackney carriage vehicles only. The fare for private hire vehicles would be agreed when pre-booking. Multi passenger vehicles were also more expensive to run and maintain.

Further debate followed, whereby Members agreed that the 'Explanation of Tariffs Applicable', as detailed on page 35 of the report, be amended as follows:-

“Journeys where there were five or more adult passengers”.

Members were mindful that the requests with regard to the variations to the table of fares had been requested by the trade representatives, and that as detailed in the report, that officers were required to undertake the legal process of advertising the varied tariff, as detailed at Appendix 2 to the report. With this in mind, Members were of the opinion that the trade representatives would be able to raise any concerns with the amended statement, as detailed in the preamble above, should they wish to do so; and that any objections received would be brought back to a future meeting of the Licensing Committee.

RESOLVED that following the amendment, as detailed in the preamble above, to the revised table of fares for hackney carriages, 'Explanation of Tariffs Applicable', that

- a) the amended proposed table of taxi fares, as set out in Appendix 2 to the report, be advertised as a public notice and objections from the public invited in accordance with the requirements of section 65, Local Government (Miscellaneous Provisions) Act, 1976;
- b) if no objections were received from the public within 14 days of publication of the notice that the proposed tariff would come into effect on 7th November 2022; and
- c) if objections were received in the stated time, that the matter would be considered further at the next meeting of the Licensing Committee, and a decision made as to whether the variations to the table of fares should be made.

14/22

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE LIMITS

The Committee considered a report on Hackney Carriage and Private Hire Vehicle Age Limits.

The Principal Officer (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing explained that the meeting of the Licensing Committee on 14th March 2022, Licensing Committee Members had approved the adoption of a new Hackney Carriage and Private Hire Licensing Policy which had taken effect from 1st September 2022.

Towards the end of that meeting, Members discussed the Work Programme for 2022/23 and had requested that a report be brought forward to future Licensing Committee meetings in respect of: -

- Revisiting the Council's vehicle licensing policies with regard to standards and age criteria for electric vehicles.
- Looking at incentives for drivers to purchase less polluting vehicles.
- The number of Wheelchair Accessible Vehicles (WAVs) licensed by the Council; and ways to incentivise drivers to purchase WAVs and an estimate of the number of WAVs the district needed.

Therefore, the report before Members, was produced to try and address all of the above requests and also to set out the details of some recent dialogue between officers and representatives of hackney carriage and private hire drivers licensed by the Council in respect of the current vehicle age policies in place.

The Council's current policy on the licensing of vehicles to be used as a hackney carriage or private hire vehicle included the following requirements in respect of the age of the vehicle.

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Hackney Carriage Vehicles	
Maximum age (when first licensed)	Maximum age at renewal of licence
7 years	10 years (12 years if WAV)

Private Hire Vehicles	
Maximum age (when first licensed)	Maximum age at renewal of licence
10 years (12 years if WAV)	10 years (12 years if WAV)

Currently these requirements were the same for every vehicle and did not take into account of how the vehicle was fuelled.

The current policy did provide some incentive for drivers to licence WAVs as they could be licensed for longer than a vehicle that cannot carry a wheelchair user who remained seated in their wheelchair. However, there were still only 4 hackney carriages out of 88 and 1 private hire vehicle out of 16 licensed by the Council that was WAVs.

Recent dialogue had taken place between officers and representatives of the hackney carriage and private hire trade in which the following had been highlighted: -

- The price of second-hand vehicles had increased dramatically in recent years.
- Licence holders were suffering financial difficulties as a result of the income lost during the coronavirus pandemic with many having used their savings to meet their day to day spending needs during this time.
- Licensed vehicles were used significantly less than usual during 2020 and 2021 as a result of the travel and business restrictions imposed in response to the coronavirus pandemic.

The representatives of the hackney carriage and private hire trade had requested that consideration be given to amending the current vehicle licensing policies to relax the age limits currently imposed on vehicles licensed to be used as hackney carriage or private hire vehicles.

Officers had drawn up some suggested vehicle age limits for consideration by Licensing Committee Members. The suggested age limits were based on the following principles: -

- Incentivising the take up of less polluting vehicles.

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- Incentivising the take up of WAVs.
- Recognising the economic impact of the coronavirus pandemic on hackney carriage and private hire licence holders.

The suggested age limits were detailed at Appendix 1 to the report.

Officers had suggested that if the vehicle age limits were amended to Those as detailed at Appendix 1 to the report, then the vehicle testing requirements should be simultaneously amended as detailed at paragraph 3.15 of the report.

If Members were minded to amend the current vehicle age limits and vehicle examination requirements, this would involve amending the Council's Hackney Carriage and Private Hire Licensing Policy.

Therefore, officers would advise that proper consultation on the proposals should be undertaken with licence holders and other relevant stakeholders.

Members were informed that trade representatives were in agreement with the vehicle testing requirements being amended, as detailed in paragraph 3.15 of the report. Legislation restricted examinations to a maximum of 3 scheduled examinations per year. However, officers were able to carry out random spot checks on vehicles during any enforcement exercises.

Members were further informed that should such consultation be conducted it would also provide an opportunity to try to establish how many wheelchair accessible hackney carriage / private hire vehicles were likely to be required in the district. Although this was not easy to ascertain, however, officers could consult with the relevant groups in order to try and establish this information.

Therefore, Members were being asked to consider whether officers should undertake a consultation exercise on proposals to amend the Council's vehicle age limits, as detailed at Appendix 1 to the report and to amend the Council's vehicle testing requirements to those, as detailed in paragraph 3.15 of the report.

Officers clarified that the age of a vehicle was taken from the date they were first registered with the Driver and Vehicle Licensing Agency (DVLA).

Members commented that modern vehicles were more reliable and that newer vehicles were more energy efficient and were manufactured to higher standards.

Therefore with regard to vehicle testing, Members agreed the following:-

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Vehicles under 7 years of age	Examined once per year (just before a licence is granted or renewed)
Vehicles over 7 years of age and under 10 years of age	Examined twice per year (just before a licence is granted or renewed and 6 months after the licence takes effect)
Vehicles over 10 years of age	Examined three times per year (just before a licence is granted or renewed, 4 months after the licence takes effect and 8 months after the licence takes effect)

RESOLVED that officers undertake a consultation exercise on proposals to amend the Council's vehicle age limits to those shown at Appendix 1 to the report, and to amend the Council's vehicle testing requirements, as detailed in the table shown in the preamble above.

15/22

LICENSING COMMITTEE WORK PROGRAMME 2022/2023

The Committee considered the Work Programme for 2022/2023.

RESOLVED that the Licensing Committee Work Programme for 2022/2023, be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.04 p.m.

Chairman

LICENSING COMMITTEE

27th March 2023

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE LIMITS AND TESTING ARRANGEMENTS – RESPONSE TO CONSULTATION

Relevant Portfolio Holder	Councillor P Thomas
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 On 19th September 2022, the Licensing Committee resolved to direct officers to undertake a consultation exercise in relation to proposals to amend parts of the Council’s Hackney Carriage and Private Hire Vehicle Licensing Policy in respect of vehicle age limits and testing arrangements for licensed vehicles.
- 1.2 The results of this consultation exercise now need to be considered by Members of the Licensing Committee.

2. RECOMMENDATIONS

That the Licensing Committee consider the responses received during the consultation exercise and RESOLVE to approve the draft revised Hackney Carriage and Private Hire Licensing Policy shown at Appendix 3 with effect from 1st April 2023.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of the consultation exercise undertaken were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Proper consultation on the proposals to amend the Council’s policies minimises the risk of legal challenge if the proposals are subsequently implemented.

Service / Operational Implications

- 3.3 At their meeting on 14th March 2022, the Council’s Licensing Committee approved the adoption of a new Hackney Carriage and Private Hire Licensing Policy which took effect on 1st September 2022.
- 3.4 Towards the end of that meeting, Members discussed the Work Programme for 2021/22 and requested that reports be brought forward to future Licensing Committee meetings in respect of:
- Revisiting the Council’s vehicle licensing policies with regard to standards and age criteria for electric vehicles.
 - Looking at incentives for drivers to purchase less polluting vehicles
 - The number of Wheelchair Accessible Vehicles (WAVs) licensed by the Council, ways to incentivise drivers to purchase WAVs and an estimate of the number of WAVs the district needs.
- 3.5 On 19th September 2022, Members of the Licensing Committee considered a report that was produced by officers to try and address those requests and set out the details of some dialogue that had taken place between officers and representatives of hackney carriage and private hire drivers licensed by the Council in respect of the current vehicle age policies.
- 3.6 The Council’s current policy on the licensing of vehicles to be used as a hackney carriage or private hire vehicle includes the following requirements in respect of the age of the vehicle.

Hackney Carriage Vehicles	
Maximum age (when first licensed)	Maximum age at renewal of licence
7 years	10 years (12 years if WAV)

Private Hire Vehicles	
Maximum age (when first licensed)	Maximum age at renewal of licence
10 years (12 years if WAV)	10 years (12 years if WAV)

- 3.7 Currently these requirements are the same for every vehicle and do not take into account of how the particular vehicle is fuelled / powered.
- 3.8 The current policy does provide some incentive for drivers to licence WAVs as they can be licensed for longer than a vehicle that cannot carry a wheelchair user who remains seated in their wheelchair. Despite this, on 19th September 2022 there were only 4 hackney carriages out of 88 and 1 private hire vehicle out of 16 licensed by the Council that are WAVs.
- 3.9 The dialogue between officers and representatives of the hackney carriage and private hire trade had highlighted:
- The price of second-hand vehicles has increased dramatically in recent years
 - Licence holders are suffering financial difficulties as a result of the income lost during the coronavirus pandemic with many having used their savings to meet their day-to-day spending needs during this time
 - Licensed vehicles were used significantly less than usual during 2020 and 2021 as a result of the travel and business restrictions imposed in response to the coronavirus pandemic.
- 3.10 The representatives of the hackney carriage and private hire trade therefore requested that consideration was given to amending the current vehicle licensing policies to relax the age limits currently imposed on vehicles licensed to be used as hackney carriage or private hire vehicles.
- 3.11 Officers had therefore drawn up some suggested vehicle age limits for consideration by Members. The suggested age limits were based on the following principles:
- Incentivising the take up of less polluting vehicles
 - Incentivising the take up of WAVs
 - Recognising the economic impact of the coronavirus pandemic on hackney carriage and private hire licence holders

- 3.12 The age limits that officers suggested Members consider, are shown in the table at **Appendix 1**.
- 3.13 To help ensure that any relaxation of vehicle age limits would not put public safety at risk, officers also suggested that if the vehicle age limits are amended as suggested, the frequency of scheduled examinations of licensed vehicles should also be amended.
- 3.14 Currently licensed vehicles that are less than 7 years of age are required to be examined at the Council’s Depot once per year, just before a licence for the vehicle is granted or renewed. Vehicles that are over the age of 7 years are also required to have a further examination 6 months after the licence for the vehicle took effect.
- 3.15 Following consideration of the officer’s report, Members resolved to direct officers to carry out consultation on amending the vehicle age limits to those shown at **Appendix 1**. Members also resolved to direct officers to carry out consultation on amending the vehicle testing arrangements to the following:

Vehicles under 7 years of age	Examined once per year (just before a licence is granted or renewed)
Vehicles over 7 years of age and under 10 years of age	Examined twice per year (just before a licence is granted or renewed and 6 months after the licence takes effect)
Vehicles over 10 years of age	Examined three times per year (just before a licence is granted or renewed, 4 months after the licence takes effect and 8 months after the licence takes effect)

- 3.16 The consultation exercise was undertaken between 4th January 2023 and 3rd March 2023. An online consultation survey was used to enable people to give their views on the proposed amendments. A link to the survey was provided via the Council’s website and advertised via social media channels.

3.17 Details of the consultation exercise were also sent to:

- Those licensed by the Council to drive hackney carriage and/or private hire vehicles
- Those licensed by the Council to operate private hire vehicles
- Bromsgrove Taxi Association
- National Private Hire and Taxi Association
- Licensed Private Hire Car Association
- Worcestershire County Council – School Transport Team
- West Mercia Police
- Office of the Police and Crime Commissioner
- West Mercia Safer Roads Partnership
- Bromsgrove District Council Depot Management
- Safer Bromsgrove (Community Safety Partnership)
- Climate Change & Energy Support Officer (Bromsgrove DC)
- Environmental Policy & Awareness Officer (Bromsgrove DC)
- Bromsgrove District Councillors
- Parish Councils

3.18 Details of the responses received to the questions that were asked in the consultation survey are set out at **Appendix 2**.

3.19 The majority of those who responded to the consultation were supportive of amendments being made to parts of Council's Hackney Carriage and Private Hire Vehicle Licensing Policy in respect of vehicle age limits, as proposed.

3.20 Opinion was however more divided on whether or not the Council should amend the vehicle testing amendments to require an additional inspection for those vehicles that are over 10 years of age.

3.21 Notwithstanding the mixed opinions expressed on this proposal, officers still believe that requiring extra examinations of these older vehicles provides additional safeguards for the public, which would help to counterbalance any potential risk that might be posed by relaxing vehicle age limits for hackney carriage and private hire vehicles.

3.22 Members are asked to consider the responses received during the consultation exercise.

3.23 A draft revised version of the Council's Hackney Carriage and Private Hire Licensing Policy, which incorporates those amendments proposed during the consultation exercise, can be seen at **Appendix 3**. The parts of the policy that have been amended have been highlighted for ease of reference.

- 3.24 Officers recommend that the Licensing Committee resolve to adopt this revised version of the Hackney Carriage and Private Hire Licensing Policy to take effect from 1st April 2023.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 - Suggested Vehicle Age Limits

Appendix 2 - Responses to consultation questions

Appendix 3 - Draft Revised Hackney Carriage and Private Hire Licensing Policy

AUTHOR OF REPORT

Name: Dave Etheridge – Principal Officer (Licensing)
Worcestershire Regulatory Services

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Suggested Age Limits for Hackney Carriage and Private Hire Vehicles

Maximum age when being licensed as a hackney carriage or private hire vehicle for the first occasion

	Wheelchair accessible	Not Wheelchair accessible
Fully electric or hydrogen fuelled	No age limit	15 years
Ultra-low Emission Vehicles (ULEV)	15 years	12 years
Other vehicles	12 years	9 years

Maximum age when licence to use the vehicle as a hackney carriage or private hire vehicle is being renewed

	Wheelchair accessible	Not Wheelchair accessible
Fully electric or hydrogen fuelled	No age limit	18 years
Ultra-low Emission Vehicles (ULEV)	18 years	15 years
Other vehicles	15 years	12 years

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RESPONSES RECEIVED TO QUESTIONS IN CONSULTATION SURVEY

Question 1:

The Council is proposing that for vehicles that are powered fully by electricity or hydrogen fuel cell, the age limits should be amended as follows:

Maximum age when being licensed as a hackney carriage or private hire vehicle for the first occasion:

15 years of age for vehicles that are NOT wheelchair accessible vehicles

No age limit for vehicles that ARE wheelchair accessible

Maximum age when licence to use the vehicle as a hackney carriage or private hire vehicle is being renewed:

18 years of age for vehicles that are NOT wheelchair accessible vehicles

No age limit for vehicles that ARE wheelchair accessible

Do you agree with the proposed age limits set out above for vehicles that are fully powered by electricity or hydrogen fuel cells?		
YES	NO	DON'T KNOW
12 (60%)	4 (20%)	4 (20%)

Reasons provided:
Yes I do agree with it but, it has include Petrol and Diesel cars as well as a lot of us invested a lot of money in to ones and in current economic situation it would everyone to help switch to electric and hydrogen cars in future especially since those cars are very expensive at the moment. So please yes make it up 15 years age but for all cars Petrol diesel electric hydrogen as it would be big help.
Sorry electric car to expensive better we euro6 engine car or hybrid vehicle
That seems fair

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APPENDIX 2

I think following are the few main reasons for not taking electric cars: Battery lifespan concerns Charging infrastructure worries long charging time More expensive to buy Environment impact So if the council consider the Euro6 diesel and petrol cars for maximum age limit would be great and beneficial for the drivers too.

I don't know enough about them.

Too expensive and not a lot of miles from one charge

Simply due to the cost of newer vehicles, its a good idea to lift the age limit as drivers need to be encouraged to change to newer vehicles, the age limit increase offsets the cost of the vehicle.

Because modern cars are very well built. They can run long distances if they are looked after well.

The longer the vehicle can be used the better. For a battery EV, 46% of its total carbon footprint is generated at the factory, before it has travelled a single mile.

Yes that seems fair, but as i am over retirement age, I will not be purchasing one, as I probably will only carry on for a short while..I would never recover my money..

With the hope that they have a drastic drop in price

At the current time EV vehicles are not accessible to everyone and have wheelchair accessible vehicles of that age is neither safe or comfortable for their passengers

Question 2:

The Council is proposing that for vehicles that are ultra-low emission vehicles (ULEV), the age limits should be amended as follows:

Maximum age when being licensed as a hackney carriage or private hire vehicle for the first occasion:

12 years of age for vehicles that are NOT wheelchair accessible vehicles

15 years of age for vehicles that ARE wheelchair accessible

Maximum age when licence to use the vehicle as a hackney carriage or private hire vehicle is being renewed:

15 years of age for vehicles that are NOT wheelchair accessible vehicles

18 years of age for vehicles that ARE wheelchair accessible

Please note, in this context, an ultra-low emission vehicle is one having less than 75 grams of CO2 per kilometre (g/km) from the tail pipe.

<p>Do you agree with the proposed age limits set out above for vehicles that are ultra-low emission vehicles?</p>		
<p>YES</p>	<p>NO</p>	<p>DON'T KNOW</p>
<p>16 (80%)</p>	<p>1 (5%)</p>	<p>3 (15%)</p>

<p>Reasons provided:</p>
<p>Good idea but you need to extend to all cars plated all ready to help us move to cleaner cars.</p>
<p>Very acceptable</p>
<p>I agreed with the proposals as the cost of second hand vehicles have increased a lot over the last couple of years, therefore making it more affordable, engines have improved a lot, adjusting to environmental emission friendly</p>

If the taxi passed the MOT that is good enough

As previous answer

Because modern cars are very well built. They can run long distances if they are looked after well.

Providing the vehicle passes the mot and safety check it would be wasteful to replace it, I would prefer to keep the vehicle until it is no longer fit for purpose. Drivers are still recovering from the pandemic and the cost of a used 3-year-old replacement vehicle has increased by around 40% Unfortunately this means for the older driver it may not be viable to replace his vehicle forcing an earlier retirement.

Same answer as previous

Question 3:

For all other vehicles, the Council is proposing that the age limits should be amended as follows:

Maximum age when being licensed as a hackney carriage or private hire vehicle for the first occasion

9 years of age for vehicles that are NOT wheelchair accessible vehicles

12 years of age for vehicles that ARE wheelchair accessible vehicles

Maximum age when licence to use the vehicle as a hackney carriage or private hire vehicle is being renewed:

12 years of age for vehicles that are NOT wheelchair accessible vehicles

15 years of age for vehicles that ARE wheelchair accessible vehicles

<p>Do you agree with the proposed age limits set out above for all other vehicles (i.e. those that are not fully powered by electricity or hydrogen fuel cells and are not ultra-low emission vehicles)?</p>		
YES	NO	DON'T KNOW
17 (85%)	2 (10%)	1 (5%)

Reasons provided:
12 years for regular cars it is OK but a little unfair compare to others cars It would be good if maximum age will be higher Due to rising cost of living, rising prices o cars and car parts 15 years of age will be great
Yes that would as the car prices today are very high.
Yes i agree
As mentioned on the previous page, vehicles have improved a lot.

Cannot afford a new taxi with all what is going on with the economy

As previous answer

Because modern cars are very well built. They can run long distances if they are looked after well.

That seems very fair

I have a wheelchair accessible taxi in Bromsgrove. Second hand WAV's can be purchased with very low mileage and good service record as they are often ex Motability vehicles which are serviced as part of the lease agreement. Therefore older vehicles are not necessarily high mileage vehicles.

As we are still reeling from the lack of trade due to the pandemic and the huge lack in night-time trade i fear this could be extended to help us look into recovering revenue towards a newer vehicle.

Question 4:

Alongside considering amending vehicle age limits, the Council is also considering changing the requirements set out in their policy relating to the testing of licensed hackney carriage and private hire vehicles.

Currently licensed vehicles that are less than 7 years of age are required to be examined at the Council's Depot once per year, just before a licence for the vehicle is granted or renewed.

Vehicles that are over the age of 7 years are also required to have a further examination 6 months after the licence for the vehicle took effect.

The Council is proposing to amend these requirements as follows:

Vehicles under 7 years of age - examined once per year (just before a licence is granted or renewed)

Vehicles over 7 years of age and under 10 years of age - Examined twice per year (just before a licence is granted or renewed and 6 months after the licence takes effect)

Vehicles over 10 years of age - Examined three times per year (just before a licence is granted or renewed, 4 months after the licence takes effect and 8 months after the licence takes effect)

Do you agree with the proposed vehicle testing requirements set out above?		
YES	NO	DON'T KNOW
11 (55%)	9 (45%)	0 (0%)

Reasons provided:
Seems reasonable
I think 2 tests in any 1 year is enough..
It should be 2 times per year for vehicles over 10 years instead of 3 times per year as it would cost a lot more to examined 3 times per year.

I think 2 MOT'S even up to 12 years is enough.

I think you should allow mid-term tests to be done at any m.o.t test stations as its difficult to get a test at the council yard if VOSA allows a garage to test cars why shouldn't Bromsgrove Council accept that

One MOT test a year and one examined a year

Gives drivers extra time, especially those nearing retirement, and those that simply can't afford a newer vehicle. Extra mot each year is great.

Two times a year will be fine. Anything more than that is not necessary.

Yes I believe more regular tests for an older vehicle is sensible.

I think 2 mot tests a year is enough

I think it is good to regularly check vehicle is roadworthy.

Again extra expense. And Bromsgrove/Redditch would need to increase it's capacity for testing. Currently Bromsgrove can only perform 2 tests a day (as far as I am aware) This in itself is shocking and often leads to drivers being off the road whilst waiting for an appointment.

Question 5:

Do you have any other comments you wish to make in connection with this matter?

<p>In general, I find rising age limit for vehicles a good thing I just hope we can rise age limit for regular cars more than 12 years old which with rising cost of Living will be huge help</p>
<p>All cars need to be extended to 15 years age as it is not easy at the moment with the cost of living it would help greatly.</p>
<p>I agree with everything, besides the 3 times a year testing...The rest seems very fair ...and needed</p>
<p>No</p>
<p>No all is said.</p>
<p>Again other councils allow different mot test centres to do the taxi test we are being discriminated against its costing us more money to keep a taxi on the road compared to say Wolverhampton plated cars which are working in Bromsgrove District Council picking up passengers its unfair competition</p>
<p>Reasons for wanting age extension:- 1. cost of 2nd hand vehicles has risen quite considerably & are not as affordable as they were before the pandemic. 2. 2 years of pandemic & drivers not working in that timeframe warrants an increase. 3. Keeps older reliable drivers employed. 4. Helps towards driver's financing for newer vehicles with increased age limit.</p>
<p>I am convinced that we need to keep all things longer than we do, including our vehicles. FUKUOKA, Japan — Old cars have a poor reputation for being “gas guzzlers” which just make global warming worse. However, a surprising new study reveals trading in your old car for a brand-new electric vehicle may actually be doing more harm than good. Researchers in Japan say choosing to keep and drive your older gasoline-powered car longer leads to fewer emissions entering the environment. A team from Kyushu University says most of the debate over gasoline and electric cars focuses on fuel efficiency and the CO2 emissions they produce. While electricity and hydrogen are cleaner energy sources, the study finds it still takes a lot of energy to build these vehicles. Specifically, researchers find keeping older fuel-efficient cars on the road longer reduces CO2 emissions significantly more than speeding up the global transition to green technology. https://studyfinds.org/keeping-old-cars-help-environment-more-than-new-electric-cars/</p>
<p>All in all, the proposals seem fair...Only the 3 tests, i disagree with</p>

Question 6

In what capacity are you responding to this consultation (select all that apply):	
An individual licensed by Bromsgrove District Council to drive hackney carriage and/or private hire vehicles	11
An individual licensed by Bromsgrove District Council to use a vehicle as a hackney carriage or private hire vehicle	10
An individual licensed by Bromsgrove District Council to operate private hire vehicles	3
Someone who uses hackney carriage or private hire vehicles	2
Other (please specify):	1
<u>Others specified:</u> Parish Councillor	



Bromsgrove
District Council

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Hackney Carriage and Private Hire Licensing Policy



Version 1.1 - Revised with effect from: 1st April 2023

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1.0

Introduction

- 1.1 Hackney carriage (taxi) and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 1.2 Bromsgrove District Council is responsible for the issuing of licences in respect of those vehicles used as hackney carriages and private hire vehicles as well as those who drive the vehicles and, in the case of private hire vehicles, those who operate them by inviting and accepting bookings.
- 1.3 In all there are five categories of licence that the Council is responsible for issuing:
- Licence to use a vehicle as a hackney carriage
 - Licence to use a vehicle as a private hire vehicle
 - Licence to drive hackney carriage
 - Licence to drive private hire vehicles
 - Licence to operate private hire vehicles
- 1.4 In relation to all of these categories of licences, the Council has a discretion over whether to grant a licence to an applicant or not.
- 1.5 The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public by ensuring vehicles are safe and fit for use and that drivers and operators are suitable people to undertake these roles.
- 1.6 The Council is also responsible for monitoring the activities of the hackney carriage and private hire trades and taking appropriate action if the standards expected of those to whom it has issued a licence are not maintained.
- 1.7 This document sets out the policies that the Council has adopted in respect of carrying out its hackney carriage and private hire licensing functions and the standard conditions that the Council will attach to the licences that it issues. The primary and overriding objective of the Council in formulating this policy is to protect the public.
- 1.8 In formulating these policies and licence conditions, the Council has had due regard to the statutory guidance issued by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017. The recommendations in the statutory guidance have been implemented except where there is a compelling local reason not to.
- 1.9 The Council has also carried out consultation at a local level before adopting the policies and licence conditions detailed in this document. The Council will always consult on proposed changes in licensing rules that may have a significant impact on passengers and / or the trade.
- 1.10 The Council will conduct a review of this policy at least every five years. The policy may also carry out interim reviews in light of any future developments in legislation, guidance and in the way that the hackney carriage and private hire trades conduct their business.

2.0 Licences to Drive Hackney Carriage and / or Private Hire Vehicles

2.1.0 Types of Licence Issued

2.1.1 The Council will normally only issue the following two types of licence:

- A licence to drive hackney carriage and private hire vehicles (a “dual licence”)
- A licence to drive private hire vehicles only

2.1.2 Where a person held a licence issued by Bromsgrove District Council to drive hackney carriage vehicles only at the time this policy took effect, they will be granted a licence that authorises them to drive both hackney carriage and private hire vehicles when they next renew their licence.

2.1.3 The Council will, at the request of an applicant, grant a licence to drive hackney carriage vehicles only, but the application requirements for a licence of this nature will be exactly the same as those for a dual licence.

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2.2.0 Application Requirements – New Applicants

2.2.1 An applicant for a licence to drive hackney carriage and / or private hire vehicles must:

- Have the right to work in the United Kingdom (UK)
- Have held a UK driving licence for a period of at least 3 year(s).
- Be over the age of 21.
- Have been awarded the Worcestershire Taxi and Private Hire Competency Certificate
- Be deemed by the Council to be a “fit and proper person” to hold a licence

2.2.2 Before a licence to drive hackney carriage and/or private hire vehicles can be issued, the applicant must have submitted all of the following:

- Completed application form
- Worcestershire Taxi and Private Hire Competency Certificate
- An enhanced Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS) along with proof that they have subscribed to the DBS “Update Service”
- A valid DVLA licence check code
- Proof of their right to work in the United Kingdom
- A recent passport sized photograph of themselves
- Application fee
- A copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to your medical records and history.

2.2.3 In addition, those wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council’s topographical knowledge test.

2.2.4 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

2.2.5 In the interests of public safety, the Council will not licence any individual that appears on either of the children and adult barred lists maintained by the Disclosure and Barring Service (DBS).

2.2.6 The Council will not issue a licence to any person who does not meet the DVLA’s “Group 2 Medical Standards” as set out in the DVLA publication “Assessing fitness to drive – a guide for medical professionals.”

2.2.7 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

2.3.0 Worcestershire Taxi and Private Hire Competency Certificate

2.3.1 To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person must demonstrate they possess a suitable level of skills, knowledge and understanding in the following key areas:

- English language proficiency – both spoken and written
- Numeracy
- Legislation and policies affecting taxi and private hire licence holders
- Practical driving proficiency
- Safeguarding – including Child Sexual Exploitation, County Lines and Modern Slavery
- Equalities – including assisting passengers with disabilities
- Customer care

2.3.2 The Worcestershire Taxi and Private Hire Competency Certificate is delivered on the Council's behalf by an approved training provider that is suitably qualified and experienced.

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- 2.4.0 Previous Licensing History and Use of the National Register of Revocations and Refusals (NR3)**
- 2.4.1 Applicants and licence holders will be required to disclose if they hold or have previously held a licence with another authority. An application will also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.
- 2.4.2 The National Register of Revocations and Refusals (NR3) allows Councils to record details of where a licence to drive hackney carriage and/or private hire vehicles has been refused or revoked and allows local authorities to check new applicants against the register.
- 2.4.3 Details of all applicants for licences to drive hackney carriage and/or private hire vehicles will be checked against NR3 to confirm that there is no record of them having been revoked or refused elsewhere.
- 2.4.4 Where this search reveals that the applicant has had a licence refused or revoked elsewhere, further information will be sought from the relevant Council and this information will be considered in determining whether or not the individual is a fit and proper person to be granted a licence.
- 2.4.5 The Council will also use NR3 to record details of licences that have been refused or revoked by the Council.

2.5.0 The Fit and Proper Person Test – Drivers of Hackney Carriage and Private Hire Vehicles

- 2.5.1 The Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence.
- 2.5.2 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 2.5.3 *Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*
- 2.5.4 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. An applicant or licence holder will not be given "the benefit of the doubt". If those making the decision are only "50/50" as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 2.5.5 In determining whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will consider:
- Whether an applicant has met the Council's application requirements
 - Any information revealed by DBS certificates relating to the applicant / licence holder
 - Any information revealed under Common Law Police Disclosure provisions
 - Any information revealed by checks undertaken on the applicant or licence holder's DVLA driving licence records
 - Any information revealed on the medical fitness certificate
 - Any information revealed during checks on NR3
 - Any information regarding complaints received about an applicant or licence holder
- 2.5.6 In considering the information above, those making a decision on behalf of the Council will have regard to Council's guidelines on the assessment of previous convictions which are shown at Annex A.
- 2.5.7 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.

Delegated Decisions

- 2.5.8 Where the applicant has met the Council's application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.
- 2.5.9 Authority is also delegated to officers to grant applications and issue licences to applicants who have no more than 6 current penalty points on their DVLA driving licence.
- 2.5.10 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.

2.5.11 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to a Licensing Sub-Committee

2.5.12 An application cannot be determined by officers under delegated powers where:

- An applicant has more than 6 points on their DVLA driving licence
- An applicant's DBS certificate reveals more than one previous conviction / caution
- An applicant's DBS certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- Information has been provided about an applicant under Common Law Police Disclosure provisions
- An applicant does not appear to meet the DVLA Group 2 Medical Standards
- An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
- An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked

2.5.13 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.

2.5.14 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

2.6.0 DBS Update Service Checks

- 2.6.1 All those to whom the Council has issued a licence to drive hackney carriage or private hire vehicles must subscribe and remain subscribed to the DBS Update Service. They must also give their consent to the Council carrying out update checks on the status of their DBS certificate throughout the period that they remain licensed.
- 2.6.2 The Council will then carry out regular checks in relation to those individuals to whom it has issued a licence to drive hackney carriage or private hire vehicles, to ensure no new information has come to light since the licence was issued.
- 2.6.3 Where a DBS Update Check reveals that new information is available, the licence holder will be required to co-operate with the requesting of a new DBS certificate.
- 2.6.4 A licence holder who fails to remain subscribed to the DBS Update Service or fails to co-operate with obtaining a new DBS certificate will be subject to a review to determine if they remain a fit and proper person to hold a licence, which could lead to the suspension or revocation of their licence.

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2.7.0 Common Law Police Disclosure and Working with the Police

- 2.7.1 The DBS is not the only source of information that will be considered as part of a fit and proper assessment for the licensing of hackney carriage and private hire vehicle drivers.
- 2.7.2 Common Law Police Disclosure (CLPD) ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 2.7.3 The Council will maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.
- 2.7.4 Any information provided to the Council under CLPD will be reviewed and will be considered when determining whether an individual remains a fit and proper person to hold a licence.
- 2.7.5 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that the Council has a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the Council and the police, action taken by the Council as a result of information received will be fed-back to the police.
- 2.7.6 To further aid the quality of information available to all parties that have a safeguarding duty, where there is a revocation or refusal of a licence on public safety grounds, steps will be taken to advise the Police of this.

2.8.0 Referrals to the Disclosure and Barring Service and the Police

2.8.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS.

2.8.2 The Council will make a referral to the DBS when it is thought that:

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

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

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2.9.0 Application Requirements – Applicants Renewing a Licence

- 2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:
- Continue to benefit from the right to work in the United Kingdom (UK)
 - Be deemed by the Council to remain a “fit and proper person” to hold a licence
- 2.9.2 Before a licence to drive hackney carriage and/or private hire vehicles can be renewed, the applicant must have submitted all of the following:
- Completed application form
 - A valid DVLA licence check code
 - Application fee
 - A recent passport sized photograph of themselves
- 2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.
- 2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.5 Once a licence holder reaches 65 years of age they will be required to provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by a registered medical practitioner with access to their medical records and history.
- 2.9.6 If an application to renew a licence to drive hackney carriage and/or private hire vehicles is received more than 14 days after the previous licence has expired, the applicant will be treated as if they were applying for a licence to drive hackney carriage and/or private hire vehicles for the first occasion.
- 2.9.7 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

2.10.0 Amending a licence to drive private hire vehicles so as to authorise the holder of the licence to also drive hackney carriage vehicles

2.10.1 Where a person who holds a licence to drive private hire vehicles licensed by the Council also wishes to be authorised to drive hackney carriage vehicles, they may apply to amend their licence in the following way.

2.10.2 Before being able to amend their licence the holder must pass the Council's topographical knowledge test.

2.10.3 The licence holder must then submit:

- The relevant application form
- The relevant application fee

2.10.4 When amending a licence to authorise the holder to drive hackney carriage vehicles, the expiry date of the licence will not be changed and the licence will still expire on the date that it would have expired had the application not been made.

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2.11.0 Review of Licences Issued to Driver of Hackney Carriage and/or Private Hire Vehicles

2.11.1 As the Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.

2.11.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.

2.11.3 Such information could include:

- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
- Information revealed under Common Law Police Disclosure
- Information revealed by checks undertaken on the licence holder's DVLA driving licence records
- Information revealed on the medical fitness certificate
- Information regarding immigration penalties paid by the licence holder
- Information regarding the licence holder's right to work in the United Kingdom
- Information revealed during checks on NR3
- Information regarding complaints received about a licence holder
- Information received from the licence holder themselves

2.11.4 When conducting a review of a driver's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:

- Issue a warning to the licence holder
- To require the licence holder to undertake additional training / assessments
- To suspend the driver's licence
- To revoke the driver's licence

Suspending or revoking a licence with immediate effect

2.11.5 In normal circumstances, any decision to suspend or revoke a licence to drive hackney carriage and/or private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.

2.11.6 However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, then notice of the reasons for this will be given to the driver and the suspension or revocation will take effect when that notice is given to the driver.

2.11.7 Where a Licensing Sub-Committee has decided to suspend or revoke a driver's licence, they will also consider whether the interests of public safety require that suspension or revocation to have immediate effect.

Suspending a licence with immediate effect on medical grounds under delegated powers

- 2.11.8 If information is received that suggests that a driver is no longer medically fit to act as a driver or a hackney carriage or private hire vehicle the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately suspend a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.9 Any licence suspended under this section will remain suspended until the licence holder has provided satisfactory evidence that they meet the DVLA's "Group 2 Medical Standards" as set out in the DVLA publication "Assessing fitness to drive – a guide for medical professionals."
- 2.11.10 Once satisfactory evidence of this has been received, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to lift the suspension without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.11 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Revoking a licence with immediate effect under delegated powers

- 2.11.12 From time to time information may be received about a licence holder that is of such a serious nature that action needs to be taken very quickly to ensure public safety.
- 2.11.13 These circumstances may arise where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
 - A drug related offence
 - An offence of a sexual nature
 - An offence involving violence
 - An offence involving dishonesty
- 2.11.14 A licence may also need to be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.
- 2.11.15 In such circumstances the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately revoke a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.16 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Reinstatement of licences revoked with immediate effect under delegated powers

- 2.11.17 This section applies where a driver's licence has been revoked with immediate effect under powers delegated to the Head of Worcestershire Regulatory Services.
- 2.11.18 In exceptional circumstances, where further information comes to light that clearly indicates that that the individual whose licence was revoked in fact remains a fit and proper person, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately reissue a licence of the type that was revoked to the individual concerned without referring the matter to a Licensing Sub-Committee for consideration.

- 2.11.19 Such exceptional circumstances could for example arise where it comes to light that the initial serious information received did not in fact relate to the licence holder at all and there has been a case of “mistaken identity.”
- 2.11.20 The licence holder will not be required to submit an application or meet any of the requirements normally placed on other individuals applying for a licence for the first time.
- 2.11.21 Any licence reissued in accordance with this section will be issued with the same expiry date as was shown on the licence that was revoked.
- 2.11.22 Where these delegated powers are used the Chair of the Council’s Licensing Committee will be notified as soon as is reasonably practicable.

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2.12.0 Licence Conditions

- 2.12.1 All licences issued authorising a person to drive hackney carriage and / or private hire vehicles will be granted subject to the standard conditions shown at Annex B
- 2.12.2 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

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3.0 Licences to Use a Vehicles as a Hackney Carriage or Private Hire Vehicle

3.1.0 **Obtaining a licence to use a vehicle as a Hackney Carriage for the first occasion - Application Requirements**

General vehicle requirements

- 3.1.1 An applicant for a licence to use a vehicle as a hackney carriage must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria meets the following criteria:
- manufactured from new as a right hand drive vehicle;
 - constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
 - has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
 - where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
 - has no side facing seats;
 - each provided seat has a minimum width of 407 mm per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
 - a distance of 178mm from the back of the seat in front (when in it's rear-most position) to the front of the seat behind.
 - each provided seat is accessible without the need to remove or fold, or tip up any other seat
 - the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
 - the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
 - Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.
 - All window glass must be to the manufacturer's standard specification and must be presented in an unmodified state. Vehicles must not be fitted with any films, foils, privacy glass (entirely black or reflective glass), or any other aftermarket tinting.

Vehicle age requirements

- 3.1.2 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.
- 3.1.3 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.
- 3.1.4 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.1.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

- 3.1.6 For the purposes of paragraphs 3.1.4 and 3.1.5 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.
- 3.1.7 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 9 years of age.
- 3.1.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.1.9 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

- 3.1.10 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

- 3.1.11 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

- 3.1.12 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.1.13 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.2.0 Obtaining a licence to use a vehicle as a private hire vehicle for the first occasion - Application Requirements

General requirements

3.2.1 An applicant for a licence to use a vehicle as a private hire vehicle must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria:

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has no side facing seats;
- each provided seat has a minimum width of 407 mm per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- a distance of 178mm from the back of the seat in front (when in it's rear-most position) to the front of the seat behind.
- each provided seat is accessible without the need to remove or fold, or tip up any other seat
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.
- All window glass must be to the manufacturer's standard specification and must be presented in an unmodified state. Vehicles must not be fitted with any films, foils, privacy glass (entirely black or reflective glass), or any other aftermarket tinting.

Vehicle age requirements

3.2.2 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.2.3 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.

3.2.4 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.2.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

- 3.2.6 For the purposes of paragraphs 3.2.4 and 3.2.5 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.
- 3.2.7 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 9 years of age.
- 3.2.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.
- 3.2.9 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).
- Vehicles written off for insurance purposes
- 3.2.10 The Council will not licence any vehicle to be used as a private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.
- Vehicles licensed by other local authorities
- 3.2.11 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.
- Documentation required to be submitted
- 3.2.12 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for private hire hire or in accordance with a private hire licence.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.2.13 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.3.0 Renewing a licence to use a vehicle as a Hackney Carriage – Application Requirements

3.3.1 An applicant seeking to renew a licence to use a vehicle as a hackney carriage must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.1.1 of this policy.

Requirements as to the age of the vehicle upon renewal of licence

3.3.2 A licence to use a vehicle as a hackney carriage will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

3.3.3 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.3.4 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.

3.3.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.3.6 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.3.7 For the purposes of paragraphs 3.3.5 and 3.3.6 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.

3.3.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.3.9 Where the vehicle is not powered fully by electricity or hydrogen fuel cell, is not an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.3.10 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.3.11 The Council will not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.3.12 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

- 3.3.13 Before a licence to use a vehicle as a hackney carriage can be renewed, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
 - The V5C certificate for the vehicle.
 - A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.3.14 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.3.15 If an application to renew a licence to use a vehicle as a hackney carriage is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a hackney carriage for the first occasion and will have to meet the stated criteria for such vehicles.

3.4.0 Renewing a licence to use a vehicle as a Private Hire Vehicle Application Requirements

3.4.1 An applicant seeking to renew a licence to use a vehicle as a private hire vehicle must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.2.1 of this policy.

Requirements as to the age of the vehicle upon renewal of licence

3.4.2 A licence to use a vehicle as a private hire vehicle will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

3.4.3 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.4.4 Where the vehicle is powered fully by electricity or hydrogen fuel cell and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle is not subject to any age limit.

3.4.5 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.4.6 Where the vehicle is an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 18 years of age.

3.4.7 For the purposes of paragraphs 3.4.5 and 3.4.6 of this policy, an ultra-low emission vehicle (ULEV) is one having less than 75 grams of CO₂ per kilometre (g/km) from the tail pipe.

3.4.8 Where the vehicle is not powered fully by electricity or hydrogen fuel cell or an ultra-low emission vehicle (ULEV) and **IS NOT** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 12 years of age.

3.4.9 Where the vehicle is not powered fully by electricity or hydrogen fuel cell or an ultra-low emission vehicle (ULEV) and **IS** capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the vehicle must be under 15 years of age.

3.4.10 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

3.4.11 The Council will not renew any licence to use a vehicle as a private hire vehicle if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.4.12 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

- 3.4.13 Before a licence to use a vehicle as a private hire vehicle can be renewed, the applicant must have submitted all of the following:
- Completed application form
 - A current MOT certificate
 - Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
 - The V5C certificate for the vehicle.
 - A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.4.14 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.4.15 If an application to renew a licence to use a vehicle as a private hire vehicle is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a private hire vehicle for the first occasion and will have to meet the stated criteria for such vehicles.

3.5.0 Obtaining a licence to use a vehicle as a Hackney Carriage on a temporary basis Application Requirements

3.5.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

Vehicle criteria

3.5.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.1.1 to 3.1.9 of this policy.

3.5.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

3.5.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

Vehicles written off for insurance purposes

3.5.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off.

Vehicles licensed by other local authorities

3.5.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.5.7 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

Duration of licence

3.5.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

3.6.0 Obtaining a licence to use a vehicle as a Private Hire Vehicle on a temporary basis Application Requirements

3.6.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a private hire vehicle but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

Vehicle criteria

3.6.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.2.1 to 3.2.9 above.

3.6.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

Accident reporting

3.6.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

Vehicles written off for insurance purposes

3.6.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off.

Vehicles licensed by other local authorities

3.6.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation to be submitted:

3.6.7 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

Duration of licence

3.6.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

3.7.0 Transferring a licence to use a vehicle as a Hackney Carriage (Change of Proprietor) Application Requirements

Documentation to be submitted:

- 3.7.1 An applicant for the transfer of a licence to use a vehicle as a hackney carriage must submit:
- Completed application form
 - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
 - Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
 - The V5C certificate for the vehicle or other equivalent proof of ownership
 - The appropriate application fee
 - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.7.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.7.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

3.8.0 Transferring a licence to use a vehicle as a Private Hire Vehicle (Change of Proprietor) Application Requirements

Documentation to be submitted:

3.8.1 An applicant for the transfer of a licence to use a vehicle as a private hire vehicle must submit:

- Completed application form
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.8.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

3.8.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

3.9.0 Changing the vehicle that you are licensed to use as a hackney carriage

- 3.9.1 If a person who holds a licence to use a vehicle as a hackney carriage wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a hackney carriage for the first occasion.

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3.10.0 Changing the vehicle that you are licensed to use as a private hire vehicle

- 3.10.1 If a person who holds a licence to use a vehicle as a private hire vehicle wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a private hire vehicle for the first occasion.

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3.11.0 Consideration of applications to licence vehicles that do not meet the required criteria

- 3.11.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.11.2 The application will be determined at a hearing of the Council's Licensing Sub-Committee.
- 3.11.3 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.11.4 In considering whether the vehicle is of an exceptional standard, regard will be had to:
- The age of the vehicle
 - The mileage of the vehicle
 - The make, model and specifications of the vehicle
 - The emissions standards met by the vehicle
 - The MOT and service history of the vehicle
 - The interior and exterior condition of the vehicle
 - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.11.5 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.11.6 The primary and overriding consideration will be whether the vehicle is safe and fit for use.

3.12.0 The Fit and Proper Person Test – Hackney Carriage and Private Hire Vehicle Proprietors

- 3.12.1 As well as the suitability of the vehicle, in determining whether to grant a licence to use a vehicle as a hackney carriage / private hire vehicle, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 3.12.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to use a vehicle as a hackney carriage / private hire vehicle.
- 3.12.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 3.12.4 *“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”*
- 3.12.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 3.12.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
 - Any information revealed by basic disclosure relating to the applicant
 - Any information revealed under Common Law Police Disclosure provisions
 - Any information revealed during checks on NR3
 - Any information regarding complaints received about an applicant or licence holder
- 3.12.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 3.12.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 3.12.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.
- 3.12.10 In the case of an application from a number of joint proprietors, the Council will apply the “fit and proper person” test to each proprietor identified in the application for the licence.

Delegated Decisions

- 3.12.11 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.

- 3.12.12 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 3.12.13 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 3.12.14 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
 - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
 - Information has been provided about an applicant under Common Law Police Disclosure provisions
 - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
 - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 3.12.15 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 3.12.16 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

3.13.0 Licence Conditions

- 3.13.1 All licences issued authorising a person to use a vehicle as a hackney carriage will be granted subject to the standard conditions shown at Annex C.
- 3.13.2 All licences issued authorising a person to use a vehicle as a private hire vehicle will be granted subject to the standard conditions shown at Annex D.
- 3.13.3 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

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3.14.0 CCTV cameras in hackney carriage and private hire vehicles

3.14.1 The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle as well as to drivers, who can also be victims of violence and abuse.

3.14.2 The Council therefore will allow the proprietor of any vehicle that it has authorised to be used as a hackney carriage or private hire vehicle to install CCTV cameras in their vehicle subject to the following requirements:

- No installation of a CCTV system shall take place within a licensed vehicle unless the proprietor of the vehicle has notified the Council in advance.
- All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

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3.15.0 Inspection of hackney carriage and private hire vehicles

- 3.15.1 In order to ensure the safety of the public, the Council will do all it can to ensure that the vehicles it licences to be used as hackney carriages or private hire vehicles are safe and fit for use.

Programmed Inspections of Licensed Vehicles

- 3.15.2 A licence to use a vehicle as a hackney carriage or private hire vehicle will not be granted or renewed unless the vehicle has been inspected and found to be safe and fit for use in accordance with the Council's criteria for licensing vehicles for such use.

- 3.15.3 Where a vehicle is more than seven years of age but less than ten years of age on the date the licence was issued, it must also be presented for further inspection within a four-week period beginning on the date six months after the licence issue date.

- 3.15.4 Where a vehicle is more than ten years of age on the date the licence was issued, it must also be presented for an inspection within a four-week period beginning on the date four months after the licence issue date and again within a four-week period beginning on the date eight months after the licence issue date.

- 3.15.5 The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Other inspections of Licensed Vehicles

- 3.15.6 As well as these programmed inspections of licensed vehicles, the Council has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle it has licensed to ascertain its fitness for use.
- 3.15.7 Therefore from time to time, the proprietor or driver of a licensed vehicle may be directed to present their vehicle for inspection. Failure to present the vehicle for inspection as directed may lead to formal action being taken against the relevant proprietor or driver.

3.16.0 Powers to suspend and revoke vehicle licences

Suspension of a licence on grounds of vehicle condition

- 3.16.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.16.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.16.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.
- 3.16.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

Revocation of a licence on grounds of vehicle condition

- 3.16.6 If a licence is suspended in accordance with section 68 of the Act and the vehicle is not deemed to be fit for use again within a period of two months, the Act states that the licence is deemed to have been revoked.
- 3.16.7 Section 60 of the Act provides a further power to revoke a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - (c) any other reasonable cause.
- 3.16.8 The Council revoke any licence issued authorising a vehicle to be used as a hackney carriage or private hire vehicle if that vehicle is graded as a Category A, Category B or Category C or Category S write-off.

Applying for a licence to use a vehicle as a hackney carriage or private hire vehicle after a licence has been deemed to be revoked in accordance with section 68

- 3.16.9 This section applies where a licence to use a vehicle has been deemed to have been revoked by virtue of section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.16.10 The proprietor may apply for a licence to use the same vehicle for the same purpose as it was previously licensed. The proprietor must provide all the relevant documents required when applying to licence a vehicle as a hackney carriage or private hire vehicle for the first occasion and the vehicle must meet the relevant criteria with the exception of having to be vehicle of a particular categorisation or age.
- 3.16.11 An application made in reliance on this section of the policy must be made within a period of 2 months from the date that the licence was deemed to have been revoked.

Suspension and revocation of a licence on grounds of licence holder suitability

- 3.16.12 Where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 3.16.13 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
 - Information revealed under Common Law Police Disclosure
 - Information revealed by checks undertaken on the licence holder's DVLA driving licence records
 - Information regarding immigration penalties paid by the licence holder
 - Information revealed during checks on NR3
 - Information regarding complaints received about a licence holder
 - Information received from the licence holder themselves
- 3.16.14 When conducting a review of a licence to use a vehicle as a hackney carriage or private hire vehicle, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
 - To require the licence holder to undertake additional training / assessments
 - To suspend the licence
 - To revoke the licence
- 3.16.15 Any decision to suspend or revoke a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.

3.17.0 Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles

3.17.1 Sections 165 – 167 of the Equality Act 2010 came into force in April 2017. The legislation places obligations on the drivers of designated wheelchair accessible vehicles to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

3.17.2 Drivers found to be discriminating against wheelchair can be fined up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the requirements.

3.17.3 The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.

3.17.4 Bromsgrove District Council has adopted a position statement on sections 165 – 167 of the Equality Act 2010, which can be seen at Annex E.

3.18.0 Exempting Proprietor's from Displaying External Licence Plate on a Private Hire Vehicle

- 3.18.1 The Council has adopted a policy on the very limited circumstances where it will provide an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate on the vehicle. This policy can be seen at Annex F.

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4.0

Licences to Operate Private Hire Vehicles

4.1.0 Application Requirements – New Applicants

4.1.1 An applicant for a licence to operate private hire vehicles must:

- Have the right to work in the United Kingdom (UK)
- Be over the age of 18.
- Be deemed by the Council to be a “fit and proper person” to hold a licence

4.1.2 Before a licence to operate private hire vehicles can be issued, the applicant must have submitted all of the following:

- Completed application form
- An basic Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS).
- Proof of their right to work in the United Kingdom
- Application fee

4.1.3 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

4.1.4 Where the applicant for the licence is a company, the requirement to provide a Basic Criminal Record Check Certificate, “Certificates of Good Conduct” (where applicable) and proof of right to work in the United Kingdom, will apply to all directors of that company.

4.1.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by Bromsgrove District Council to drive hackney carriage and / or private hire vehicles.

4.1.6 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

4.2.0 Application Requirements – Renewal Applications

4.2.1 An applicant to renew a licence to operate private hire vehicles must:

- Continue to have the right to work in the United Kingdom (UK)
- Continue to be considered by the Council as being a “fit and proper person” to hold a licence

4.2.2 Before a licence to operate private hire vehicles can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A basic Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS).
- Proof of their right to work in the United Kingdom
- Application fee

4.2.3 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

4.2.4 Where the applicant for the licence is a company, the requirement to provide a Basic Criminal Record Check Certificate, “Certificates of Good Conduct” (where applicable) and proof of right to work in the United Kingdom, will apply to all directors of that company.

4.2.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by Bromsgrove District Council to drive hackney carriage and / or private hire vehicles.

4.2.6 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

4.3.0 The Fit and Proper Person Test – Private Hire Operators

- 4.3.1 In determining whether to grant a licence to operate private hire vehicles, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 4.3.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to operate private hire vehicles.
- 4.3.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 4.3.4 *“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?”*
- 4.3.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 4.3.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
 - Any information revealed by basic disclosure relating to the applicant
 - Any information revealed under Common Law Police Disclosure provisions
 - Any information revealed during checks on NR3
 - Any information regarding complaints received about an applicant or licence holder
- 4.3.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 4.3.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 4.3.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.

Delegated Decisions

- 4.3.10 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.

- 4.3.11 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 4.3.12 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 4.3.11 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
 - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions.
 - Information has been provided about an applicant under Common Law Police Disclosure provisions
 - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
 - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 4.3.12 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 4.3.13 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

4.4.0 Licence Conditions

- 4.4.1 All licences issued authorising a person to operate private hire vehicles will be granted subject to the standard conditions shown at Annex G.
- 4.4.2 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

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4.5.0 Review of Licences Issued to Operators of Private Hire Vehicles

- 4.5.1 As the Council cannot grant a licence to someone to permit them to operate private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.
- 4.5.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 4.5.3 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
 - Information revealed under Common Law Police Disclosure
 - Information regarding immigration penalties paid by the licence holder
 - Information regarding the licence holder's right to work in the United Kingdom
 - Information revealed during checks on NR3
 - Information regarding complaints received about a licence holder
 - Information received from the licence holder themselves
- 4.5.4 When conducting a review of an operator's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
 - To require the licence holder to undertake additional training / assessments
 - To suspend the driver's licence
 - To revoke the driver's licence
- 4.5.5 Any decision to suspend or revoke a licence to operate private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.

5.0

General

5.1.0 **Complaints against licence holders**

- 5.1.1 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.
- 5.1.2 Therefore the Council will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.
- 5.1.3 Guidance for passengers and other members of the public on making complaints about licence holders will be provided on the Council's website. Ways of making complaints will also be provided on the internal licence plate that must be displayed in all licensed vehicles.
- 5.1.4 Licensees with a number of complaints made against them will be contacted by licensing officers and concerns will be raised with the driver and operator (if appropriate). Further action in terms of the licence holder will be determined by licensing officers, which could include no further action, warnings, the offer of training, a formal review of the licence and/or formal enforcement action.
- 5.1.5 The Council has adopted a penalty points system to assist in the recording and monitoring of non-compliance with hackney carriage and private hire licensing requirements. A copy of the penalty points system can be seen at Annex H.

5.2.0 Duties on licence holders in relation to assistance dogs

5.2.1 Part 12 of the Equality Act 2010 imposes duties on the drivers of hackney carriage vehicles that have been hired:

- by or for a disabled person who is accompanied by an assistance dog, or
- by another person who wishes to be accompanied by a disabled person with an assistance dog.

5.2.2 The driver of the hackney carriage must:

- carry the disabled person's dog and allow it to remain with that person;
- not make any additional charge for doing so.

5.2.3 In respect of private hire vehicles, part 12 of the Equality Act 2010 provides that the operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle:

- if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

5.2.4 The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

5.2.5 The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator:

- if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.

5.2.6 Bromsgrove District Council places particular importance on the need for those that they licence to comply with these duties. Where complaints are received regarding non-compliance with the requirements, they will be investigated thoroughly and formal action will be taken wherever possible.

5.2.7 If a licence holder commits an offence under Part 12 of the Equality Act 2010 in relation to the carriage of assistance dogs, serious consideration will be given to whether the licence holder remains a fit and proper person to hold a licence.

5.2.8 Part 12 of the Equality Act 2010 does provide the Council with authority to grant certificates to drivers exempting them from their duties in relation to the carrying of assistance dogs on medical grounds. The Council's policy on how they will deal with requests for exemption certificates is set out at Annex I.

5.3.0 Duration of Licences Issued

Licences to drive hackney carriage and / or private hire vehicles

- 5.3.1 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Licences will not be issued on a "probationary" basis.

Licences to use a vehicle as a hackney carriage or private hire vehicle

- 5.3.2 Licences to use a vehicle as a hackney carriage or private hire vehicle will normally be issued for a period of 1 year and will then expire.
- 5.3.3 A licence issued in respect of a vehicle being used as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use, for example due to accident damage, will be issued for a period of no more than four months and will then expire.

Operator Licences

- 5.3.4 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Licences will not be issued on a "probationary" basis.

Licence holders whose leave to remain in the UK is time-limited

- 5.3.5 This section applies where the Council has to issue a licence of a shorter duration to those above as the licence holder's leave to remain in the UK is time-limited. When the licence holder provides evidence that their leave to remain has been extended or made permanent, the Council will extend their licence period so that the licence expires on whichever of the following dates is the earliest:
- The date the licence would have expired if the licence holder's leave to remain was not time-limited at the time of their application
 - The expiry of the licence holder's extended leave to remain in the UK
- 5.3.6 Licence holder's whose licences are extended in accordance with this section will not be charged any fee in order to have their licence extended.

5.4.0 Surrender of Licences

- 5.4.1 The holder of a licence to drive hackney carriage and/or private hire vehicles, use a vehicle as a hackney carriage or private hire vehicle or operate private hire vehicles may at any time surrender the licence to the Council by giving notice in writing and returning their licence and any associated licence plates or ID badges they have been issued.

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5.5.0 Refund of Fees Paid When a Licence is Surrendered

5.5.1 Where a licence holder surrenders a licence that they have been issued, refunds may be given on request, of the fee paid when applying for that licence in accordance with the following formulas.

Licences of 1 year duration

5.5.2 1/12 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 9/12 (75%) of the licence fee paid.

Licences of 3 year duration

5.5.3 1/36 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 27/36 (75%) of the licence fee paid.

Licences of 5 year duration

5.5.4 1/60 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 45/60 (75%) of the licence fee paid.

5.5.5 Any fees paid in respect of DBS Checks, vehicle inspections, training and assessment requirements etc. are **non-refundable**.

Annexes

- Annex A** Guidelines on the Assessment of Previous Convictions
- Annex B** Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles
- Annex C** Standard conditions attached to a licence to use a vehicle as a hackney carriage
- Annex D** Standard conditions attached to a licence to use a vehicle as a private hire vehicle
- Annex E** Equality Act 2010 – Position Statement on Sections 165 – 167
- Annex F** Plate exemption policy for licensed private hire vehicles
- Annex G** Standard conditions attached to a licence to operate private hire vehicles
- Annex H** Hackney carriage and private hire penalty points system
- Annex I** Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

Annex A

Guidelines on the Assessment of Previous Convictions

General approach

- A.1 The Council will always consider each case on its own merits and will ensure applicants / licence holders have a fair and impartial consideration of their application.

Cautions

- A.2 Cautions are given to anyone aged 10 or over for minor criminal offences. You have to admit an offence and agree to be cautioned. Whilst a caution is not a criminal conviction, it can be used as evidence of bad character. Therefore for the purpose of these guidelines, references to convictions will also be taken to include cautions accepted for offences.

Rehabilitation periods

- A.3 Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

- A.4 Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- A.5 Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

- A.6 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- A.7 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

- A.8 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.
- A.9 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

- A.10 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

- A.11 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- A.12 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- A.13 In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- A.14 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

- A.15 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- A.16 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

- A.17 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

- A.18 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex B Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles

Conduct

- B.1 The licence holder must behave in a civil, orderly and respectful manner at all times whilst acting as the driver or a hackney carriage or private hire vehicle.
- B.2 The licence holder must not discriminate against any person whilst acting as the driver or a hackney carriage or private hire vehicle because of their:
- Age
 - Disability
 - Gender reassignment
 - Marriage & Civil Partnership
 - Pregnancy & Maternity
 - Race
 - Religion or Belief
 - Sex
 - Sexual Orientation
- B.3 The licence holder must not engage in inappropriate conversations with passengers. Inappropriate topics of conversation include (but are not limited to) references to a persons personal life, relationship status, appearance, religion or political beliefs.
- B.4 The licence holder must not eat any food whilst carrying a hirer in their vehicle.
- B.5 The licence holder must not smoke or use any e-cigarette or other vaping device inside any licensed hackney carriage or private hire vehicle at any time.
- B.6 The licence holder must not play any audio in a licensed hackney carriage or private hire vehicle at such a level as to cause annoyance to the hirer.
- B.7 The licence holder must only use the horn of a vehicle in accordance with the Highway Code and specifically shall not sound their horn to announce their arrival / presence to the hirer.

Appearance

- B.8 Whilst acting as the driver of a hackney carriage or private hire vehicle, a licence holder must be dressed suitably and be of clean and tidy appearance.

Assisting Passengers

- B.9 A licence holder must offer passengers with reasonable assistance with the loading and unloading of any luggage or baggage into and out of, any licensed vehicle they are in control of.
- B.10 A licence holder must offer reasonable assistance to any person with a disability or other mobility issue, when that person is entering or leaving a licensed vehicle they are in control of.

Changes of Circumstances

- B.11 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
 - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- B.12 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 72 hours if they have developed a medical condition that might impair their ability to drive a motor vehicle.
- B.13 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

DBS Update Service

- B.14 A licence holder must retain a valid subscription to the Disclosure and Barring Service (DBS) Update Service at all times whilst they remain licensed to drive hackney carriage and/or private hire vehicles.

Wearing and Display of Badges

- B.15 A licence holder must wear one of the ID badges issued to them by the Council at all times when acting as the driver of a hackney carriage or private hire vehicle. The badge must be worn on the licence holder's person in a way that it can be seen by passengers.
- B.16 A licence holder must display one of the ID badges issued to them by the Council inside any hackney carriage or private hire vehicle they are in control of in such a way as to be clearly visible to any passengers.

Lost property

- B.17 After passengers alight the licensed vehicle, a licence holder should check the vehicle to ensure no property has been left in the vehicle by that passenger.
- B.18 If any property belonging to a passenger is discovered in a licensed vehicle after that passenger has left the vehicle, the driver should take reasonable steps to return the lost property to the person that it belonged to.
- B.19 If the licence holder cannot identify who the lost property belongs to in order to return it to them, they must seek advice from the local police on what to do with the property by calling the non-emergency number 101.

Receipts

- B.20 Upon request, a licence holder must provide his passenger with a clear and legible receipt for the cost of their journey. This receipt must also identify the licence holder's name or licence number and the registration number of the vehicle that the journey was undertaken in.

Production of Documents

- B.21 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Their DVLA driving licence card
 - Proof of their right to work in the United Kingdom
 - Proof of their residential address
 - Any DBS certificate relied upon when their licence was granted

Return of licence and ID badge

- B.22 The licence holder must return the licence and any related ID badges issued by the Council when requested to do so. The licence and ID badges must be returned as soon as reasonably practicable and in any case not more than 7 days after such a request has been made by an authorised officer of the Council.

Production of medical certificate

- B.23 Any licence holder aged 65 or over must provide the Council with a copy of the Council's prescribed medical fitness certificate, completed by a registered medical practitioner with access to their medical records and history, on the anniversary of the issue of the licence each year.

Deposit of Copy of Licence

- B.24 A licence holder must deposit a copy of their licence with:
- The proprietor of any licensed hackney carriage or private hire vehicle that they have been authorised to drive
 - Any licensed private hire operator who accepts bookings in respect of a licensed vehicle that they are authorised to drive

Charging of fares

- B.25 Before commencing a journey, a licence holder must establish that their passenger understands what fare they will be charged for the journey or the method by which that fare will be calculated (e.g. in accordance with a taximeter installed in the vehicle).
- B.26 A licence holder must not charge a passenger for their journey more than:
- A fixed fare that has either been agreed before the commencement of the journey; or
 - The fare that has been calculated in accordance with the agreed method of calculation.
- B.27 When acting as the driver of a hackney carriage and undertaking a journey entirely within the Council's administrative boundaries, the licence holder must engage the taximeter installed in the vehicle and must not charge more than is permitted in accordance with the Council's approved table of fares.

Carriage of animals

- B.28 A licence holder must not carry any animal in a licensed hackney carriage or private hire vehicle without the express permission of the hirer.

Annex C Standard conditions attached to a licence to use a vehicle as a hackney carriage

Condition of Vehicle

- C.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

- C.2 Once a vehicle has been inspected and a licence has been granted the vehicle must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from an authorised officer of the Council. This includes the addition of any tinting film or similar products to the windows of the vehicle.

Licensing a Vehicle with Another Council

- C.3 No hackney carriage licensed by the Council may be licensed in any other authority as a hackney carriage or private hire vehicle.

Insurance Cover

- C.4 The licence holder must at all times that the vehicle is licensed to be used as a hackney carriage, maintain a valid policy of insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- C.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Allowing Other Persons to Drive the Vehicle

- C.6 Only a person licensed by the Council to drive hackney carriages can drive a vehicle that the Council has licensed to be used as a hackney carriage. If the licence holder proposes to allow someone else to drive their vehicle at any time, before doing so they must obtain from the driver the following documents:
- a) A copy of their current licence issued by Bromsgrove District Council authorising them to drive hackney carriage vehicles, and
 - b) A copy of their insurance documentation covering them to use the vehicle as hackney carriage.
- C.7 The licence holder must ensure that the driver's licence to drive hackney carriage vehicles and insurance remain current for the duration of the period they are permitted to drive the vehicle.

Display of External Licence Plate

- C.8 The external licence plate issued by the Council must be securely fixed to the outside rear of the vehicle below the window line.

Display of Internal Licence Plate

- C.9 The internal licence plate issued by the Council must be securely fixed to the inside of the windscreen on the passenger side of the vehicle so that the front of the licence plate is visible from the outside of the vehicle and the rear of the licence plate is visible from inside the vehicle.

Roof Signs

- C.10 A sign containing the word "TAXI" must be displayed on the roof of the vehicle at all times when it is being driven on a public road or otherwise used as a hackney carriage.
- C.11 The lettering on the sign must be a minimum of 80mm high.
- C.12 The roof sign must be appropriately and safely wired so that the sign is illuminated when the vehicle is available for hire and not illuminated when the vehicle is hired or is not available for hire.

Return of Licence Plate(s)

- C.13 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- C.14 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
 - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- C.15 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Advertising on Licensed Vehicles

- C.16 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.

Production of Documents

- C.17 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
 - Vehicle registration certificate (V5C)
 - Vehicle MOT test certificate
 - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

C.18 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.

C.19 Where a vehicle is more than seven years of age but less than ten years of age on the date the licence was issued, it must also be presented for further inspection within a four-week period beginning on the date six months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

C.20 Where a vehicle is more than ten years of age on the date the licence was issued, it must also be presented for an inspection within a four-week period beginning on the date four months after the licence issue date and again within a four-week period beginning on the date eight months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Table of Fares (Tariff Card)

C.21 The licence holder must ensure that a copy of the current table of fares (tariff card) set by the Council is carried in the vehicle at all times in a position where it can be accessed and read by any passenger as required.

CCTV

C.22 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

C.23 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

C.24 The following must be carried in the vehicle at all times:

- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
- A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
- A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

C.25 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- C.26 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

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Annex D Standard conditions attached to a licence to use a vehicle as a private hire vehicle

Condition of Vehicle

- D.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

- D.2 Once a vehicle has been inspected and a licence has been granted the vehicle must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from an authorised officer of the Council. This includes the addition of any tinting film or similar products to the windows of the vehicle.

Licensing a Vehicle with Another Council

- D.3 No private hire vehicle licensed by the Council may be licensed in any other authority as a hackney carriage or private hire vehicle.

Insurance Cover

- D.4 The licence holder must at all times that the vehicle is licensed to be used as a private hire vehicle, maintain a valid policy of insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- D.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Allowing Other Persons to Drive the Vehicle

- D.6 Only a person licensed by the Council to drive private hire vehicles can drive a vehicle that the Council has licensed to be used as a private hire vehicle. If the licence holder proposes to allow someone else to drive their vehicle at any time, before doing so they must obtain from the driver the following documents:
- a) A copy of their current licence issued by Bromsgrove District Council authorising them to drive private hire vehicles, and
 - b) A copy of their insurance documentation covering them to use the vehicle as a private hire vehicle.
- D.7 The licence holder must ensure that the driver's licence to drive private hire vehicles and insurance remain current for the duration of the period they are permitted to drive the vehicle.

Display of External Licence Plate

- D.8 The external licence plate issued by the Council must be securely fixed to the outside rear of the vehicle below the window line.

Display of Internal Licence Plate

- D.9 The internal licence plate issued by the Council must be securely fixed to the inside of the windscreen on the passenger side of the vehicle so that the front of the licence plate is visible from the outside of the vehicle and the rear of the licence plate is visible from inside the vehicle.

Roof Signs

- D.10 No sign may be displayed either on the roof of or above the roof of the a vehicle licensed to be used as a private hire vehicle.

Advertising on Licensed Vehicles

- D.11 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.

External Signage

- D.12 Signage must be displayed on the vehicle with wording that makes clear that the vehicle must be booked in advance and is not available for immediate hiring. Such wording could include "Advance Booking Only" "This vehicle must be booked in advance" "No booking, no ride" or similar.

Prohibition on Display of Certain Words

- D.13 The words "Taxi" or "Cab" either in singular or plural or words of a similar meaning or appearance either alone or as part of a name must not be displayed anywhere on the vehicle licensed to be used as a private hire vehicle.

Return of Licence Plate(s)

- D.14 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- D.15 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
 - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- D.16 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Production of Documents

- D.17 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
 - Vehicle registration certificate (V5C)
 - Vehicle MOT test certificate
 - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- D.18 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- D.19 Where a vehicle is more than seven years of age but less than ten years of age on the date the licence was issued, it must also be presented for further inspection within a four-week period beginning on the date six months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).
- D.20 Where a vehicle is more than ten years of age on the date the licence was issued, it must also be presented for an inspection within a four-week period beginning on the date four months after the licence issue date and again within a four-week period beginning on the date eight months after the licence issue date. The age of the vehicle will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Taximeters

- D.21 Where a taximeter is fitted in a vehicle licensed to be used as a private hire vehicle the must be fitted securely in a position where it can be easily read by passengers in the vehicle and must not be obscured from view in any way. A table of fares must be available in the vehicle for inspection by passengers to explain clearly the basis on which any hiring charges will be calculated by the taximeter.

CCTV

- D.22 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- D.23 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- D.24 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
 - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
 - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- D.25 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- D.26 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

Annex E

Equality Act 2010 – Position Statement on Sections 165 – 167

Introduction

- E.1 The Government commenced sections 165 and 167 of the Equality Act 2010, in so far as they were not already in force, on 6th April 2017.
- E.2 Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then place duties on the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- E.3 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act.
- E.4 This allows Local Authorities to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- E.5 In adopting this position statement, Bromsgrove District Council has had regard to the guidance issued by the Secretary of State under section 167(6) of the Equality Act 2010.

Maintaining a List of Designated Vehicles

- E.6 Section 167 of the Act permits, but does not require, licensing authority to maintain a designated list of wheelchair accessible hackney carriage and private hire vehicles.
- E.7 Whilst not being under a specific legal duty to maintain a list of designated vehicles, Bromsgrove District Council has decided that it will do so.
- E.8 The list of designated vehicles will be published and maintained by Bromsgrove District Council with effect from **1st December 2017**. This will provide a reasonable amount of time for drivers to make applications for exemption from the duties that will be placed upon them once a list of designated vehicles is published.
- E.9 Once published, the list of designated vehicles will be available to access via the Bromsgrove District Council website. A hard copy of the list of designated vehicles will also be provided on request. To request a hard copy of the list of designated vehicles you will need to contact Worcestershire Regulatory Services by emailing enquiries@worcsregservices.gov.uk or telephoning 01905 822799.

Accessibility Requirements for Vehicles Included on the List of Designated Vehicles

- E.10 The Act states that a vehicle can be included on a licensing authority’s list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- E.11 Bromsgrove District Council has decided that a vehicle will only be included in the authority’s list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. For this purpose, a “reference wheelchair” is as defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000.

The Duties Placed on Drivers of Designated Vehicles

- E.12 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible hackney carriage and private hire vehicles.
- E.13 The duties are:
- to carry the passenger while in the wheelchair;
 - not to make any additional charge for doing so;
 - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - to give the passenger such mobility assistance as is reasonably required.
- E.14 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- E.15 It is an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the licensing authority's designated list to fail to comply with these duties.

Exemptions from the Duties Placed on Drivers of Designated Vehicles

- E.16 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows licensing authorities to grant exemptions from the duties to individual drivers.
- E.17 Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties.
- E.18 If a licensed driver wishes to obtain an exemption from the duties placed on them under section 165, they must complete the relevant application form and submit this to the licensing authority alongside relevant supporting evidence. The supporting evidence must include a letter or report from the licensed driver's general practitioner.
- E.19 If required, a licensed driver seeking to obtain an exemption from the duties, must submit to an examination by an independent medical practitioner appointed by the licensing authority. The decision as to whether an exemption is granted and for how long, will be taken by the Head of Worcestershire Regulatory Services
- E.20 If the exemption application is successful then the licensing authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle.

- E.21 If the exemption application is unsuccessful , the applicant will be informed in writing within a reasonable timescale and provided with a clear explanation of the reasons for the decision.
- E.22 Section 172 of the Act enables drivers to appeal against the decision of the licensing authority not to issue an exemption certificate. That appeal should be made to the Magistrate's Court and must be made within 28 days beginning with the date of the refusal.

Enforcement

- E.23 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the licensing authority that licensed them, and the licensing authority has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- E.24 Bromsgrove District Council will look to take firm action where drivers breach their duties under section 165 of the Act and will use all their available powers to ensure that drivers who discriminate against disabled passengers are held accountable for their actions.
- E.25 If a driver receives a conviction for breaching their duties under section 165 of the Act, the authority will review whether or not they remain a fit and proper person to hold a licence to drive hackney carriage or private hire vehicles.

Annex F

Plate exemption policy for licensed private hire vehicles

- F.1 The Council will only grant an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate where the vehicle meets **all** of the following requirements:
- the vehicle must be an executive model, and
 - the vehicle interior and exterior must be maintained in exceptional condition, and
 - the vehicle must be used exclusively for executive hire or chauffeur work.
- F.2 Each application for exemption from the requirement to display an external licence plate will be determined by an authorised officer of the Council on a case by case basis.
- F.3 Those applying for exemption from the requirement to display an external licence plate will be required to present their vehicle to an authorised officer for inspection and provide evidence to show it is use exclusively for executive hire or chauffeur work.

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Annex G Standard conditions attached to a licence to operate private hire vehicles

Duty to Provide a Basic Disclosure Annually

- G.1 Where the licence holder does not a licence issued by Bromsgrove District Council authorising them to drive hackney carriage and/or private hire vehicles, they must submit a basic disclosure certificate annually within a 4 week period beginning with the anniversary of the date that the licence was issued.

Location of Operating Base and Records

- G.2 The licence holder must operate private hire vehicles from an address within the licensing authority's administrative area (hereafter referred to as "the operating base").
- G.3 All records required by these conditions and that are kept in a written form, must be kept and made available for inspection at the operating base.
- G.4 Where records are held electronically, they must be capable of being viewed by an authorised officer or police officer visiting the operating base.
- G.5 The licence holder must be able to provide an authorised officer or police officer with a printed copy of any records held electronically upon request.

Changes of Circumstances

- G.6 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
 - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- G.7 A licence holder must notify the licensing authority within 7 days of any change to their name and / or home address
- G.8 A licence holder must notify the licensing authority within 7 days of any change to the address of their operating base.

Records of Bookings

- G.9 The licence holder must ensure that accurate records of all bookings received are maintained. The following is the minimum information that must be recorded in respect of each booking:
- The name of the passenger
 - The time that the booking was received
 - The pick-up point
 - The requested pick-up time
 - The destination
 - The name of the driver dispatched to undertake the booking
 - The driver's licence number of the driver dispatched to undertake the booking
 - The vehicle registration number of the vehicle dispatched to undertake the booking
 - The name of any individual that responded to the booking request
 - The name of any individual that dispatched the vehicle

- G.10 The licence holder's record of all private hire bookings, whether retained in a book or on a computerised system, must be kept at the licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Record Keeping – Vehicles and Driver's Operated

- G.11 The licence holder must retain an accurate records for all of the vehicles and drivers that they dispatch to undertaken bookings made with them. These records must include:
- The full name of each driver
 - Any call signs allocated to any drivers
 - The identity of the local authority that issued the relevant driver's licence
 - The registration number of any vehicles
 - The licence plate number of any vehicles
 - The identity of the local authority that issued the relevant vehicle's licence
- G.12 The licence holder must obtain and retain the following documentation in respect of every vehicle and driver they operate prior to allocating them any bookings, namely:
- a copy of the driver's current private hire driver's licence or badge
 - a copy of the vehicle's current private hire vehicle licence or front identity plate
 - a copy of the vehicle's current MOT certificate
 - a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
- G.13 The above documentation relating to vehicles and drivers must be retained at the licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for the licence holder and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Record Keeping – Form of Records and Data Security

- G.14 Whether records are kept in written or electronic form, they must at all times be in a format that is clear and legible.
- G.15 The licence holder must comply with their duties under data protection legislation to protect the information that they record and retain.

Provision of Information to Driver Dispatched

- G.16 A driver dispatched to fulfil a booking that has been accepted must be provided with the following information as a minimum:
- The name of the passenger
 - The pick-up point
 - The requested pick-up time
 - The destination

Provision of Information to Person Who Has Made a Booking

- G.17 A person who has had a booking accepted must be provided with the following information as a minimum:
- The registration number of the vehicle that will be dispatched to pick them up.
 - The licence (badge) number of the driver that will be driving the vehicle dispatched to pick them up.
- G.18 This information can be provided verbally over the telephone, by text message or by other electronic means.
- G.19 If the person's booking is being sub-contracted and will be carried out by a vehicle and driver licensed by a different licensing authority, the passenger must be provided the following information as a minimum:
- The name of the operator to whom the booking has been sub-contracted and the name of the licensing authority that has issued a licence to that operator.
 - The registration number of the vehicle that will be dispatched to pick them up.
 - The licence (badge) number of the driver that will be driving the vehicle dispatched to pick them up.
 - The name of the licensing authority that has licensed both the driver and vehicle

Use of Passenger Service Vehicles (PSVs) to Fulfil Bookings

- G.20 Where the licence holder also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

Register of Staff

- G.21 The licence holder must maintain a register of all staff that will take bookings or dispatch vehicles.
- G.22 The licence holder must have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

Recording and Dealing with Complaints

- G.23 The licence holder must establish and maintain a written complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- the name, contact details of complainant and date complaint received
 - the date, time and details/nature of the complaint
 - the name of the driver (and Badge number) or member of staff, to which the complaint relates
 - details of the investigation carried out and any action taken.

G.24 Upon receiving a complaint or allegation concerning any of the following matters in relation to any person licensed by Bromsgrove District Council you must report it to the Council immediately:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violent, aggressive or abusive behaviour
- dishonesty such as overcharging, theft or retention of lost property
- breach of equality legislation, such as refusing to carry an assistance dog

Waiting Rooms / Areas

G.25 Where a licence holder makes available a waiting room/area for those making bookings, this room/area must be maintained in a clean and tidy condition and must be free from any hazards.

Standard of Service

G.26 The licence holder shall take all reasonable steps to ensure that a reliable service is provided to anyone from whom a booking is accepted.

Conduct of licence holder and employees

G.27 The licence holder must behave in a civil, orderly and respectful manner at all times whilst communicating with people in course of delivering a private hire service.

G.28 In offering their services, the licence holder must ensure that they and any persons employed by them to communicate with customers, process bookings or dispatch vehicles, do not discriminate against any person because of their:

- Age
- Disability
- Gender reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

G.29 The licence holder must ensure that they and any persons employed by them to communicate with customers, process bookings or dispatch vehicles, do not engage in inappropriate conversations with passengers. Inappropriate topics of conversation include (but are not limited to) references to a persons personal life, relationship status, appearance, religion or political beliefs.

Lost Property

G.30 The licence holder must have a written policy setting out their procedure for dealing with property left in a licensed vehicle after a journey has ended. This policy must be communicated to all drivers to whom bookings are allocated.

G.31 The licence holder must take all reasonable steps to ensure any lost property is returned safely to its owner.

Annex H

BROMSGROVE DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. Bromsgrove District Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. Penalty points may be issued regardless of the geographic location in which the act of non-compliance took place.
5. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
6. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
7. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
8. There is a right of appeal to the Licensing and Support Services Manager at Worcestershire Regulatory Services against any points that are issued.
9. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.
10. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
11. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:

- Take no further action
 - Issue a written warning
 - Extend the two year period for which the points remain live
 - Suspend the licence
 - Revoke the licence
 - Any other action that the Sub-Committee feels appropriate in the circumstances of the case
12. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
 13. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
 14. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
 15. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
 16. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
 17. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES

	Offence (s) / Breach of condition (s)	Points applicable	Vehicle Driver	Vehicle Proprietor	Operator (PH)
1	Failing to behave in a civil and orderly manner	4	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	3	X		
3	Failing to wear drivers badge so it is plainly visible	3	X		
4	Failing to display vehicle licence plate on the outside rear of the vehicle	3	X	X	
5	Vehicle interior in unacceptable condition	3	X	X	

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APPENDIX 3

6	Vehicle exterior in unacceptable condition	3	X	X	
7	Failure to provide fire extinguisher	3	X	X	
8	Taximeter defective or not clearly visible	4	X	X	
9	Failing to afford reasonable assistance with loading and unloading luggage	3	X		
10	Failure to display table of fares	3	X	X	
11	Conveying more passengers in the vehicle than permitted by the licence	4	X		
12	Leaving hackney carriage unattended on a stand	3	X		
13	Charging more than the prescribed fare for a journey	4	X		
14	When hired to do so, failing to attend at the appointed time and place without reasonable cause	3	X	X	X
15	Failing to hand in property left in a licensed vehicle by a passenger	3	X	X	X
16	Failing to notify the Council of motoring or other convictions within 7 days	4	X	X	X
17	Failing to keep appropriate records of bookings	4			X
18	Failing to notify the Council of a change of name or address	3	X	X	X
19	Refusing a fare without reasonable cause	3	X		
20	Failing to report an accident to the Council within 72 hours	3	X	X	
21	Failing to produce insurance certificate to officer on request	4	X	X	
22	Failing to produce vehicle for inspection on request	4	X	X	
23	Failure to produce booking records upon request	4			X
24	Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand	4	X		
25	Unnecessarily prolonging a journey without reasonable cause	4	X		
26	Obstructing an authorised officer or constable	4	X	X	X
27	Failing to comply with a requirement properly made by an authorised officer or constable	4	X	X	X
29	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code.	3	X		
30	Allowing smoking in a licensing vehicle	3	X		
31	Smoking in a licensed vehicle	3	X		
32	Parking a vehicle in an illegal or dangerous position	3	X		
33	Leaving a vehicle engine running unnecessarily while that vehicle is stationary on a public road (Highway Code Rule 123)	3	X		
34	Using a vehicle with defective tyres	4 (per tyre)	X	X	

Annex I Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

- I.1 Any person wishing to be exempted from the duties placed on them in respect of the carriage of assistance dogs in hackney carriage or private hire vehicles must complete and submit the relevant application form.
- I.2 The application must be accompanied a letter from the person's own registered GP that states that they are of the opinion that the person has a genuine medical condition that is aggravated by exposure to dogs. The application must also be accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.
- I.3 If an authorised officer of the Council is satisfied by the evidence accompanying the application, the licence holder will be issued with a notice of exemption notice. Whenever they are driving a hackney carriage or private hire vehicle, the holder of a notice of exemption must place it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard
- I.4 Where an exemption certificate is issued, the Council will also provide an additional tactile and/or large print resource to hackney carriage and private hire vehicle drivers so that assistance dog owners who are blind can identify that the driver has been issued with a certificate.

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**CONSIDERATION OF RESPONSES TO CONSULTATION ON
REVISED SEX ESTABLISHMENT LICENSING POLICY**

Relevant Portfolio Holder	Councillor P Thomas
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Bromsgrove District Council has previously adopted a Sex Establishment Licensing Policy which took effect on 1st April 2016.
- 1.2 On 11th July 2022, Members resolved to direct officers to carry out consultation with relevant stakeholders and the general public on the draft revised Sex Establishment Licensing Policy.
- 1.3 This consultation exercise has now been completed and the response to this now needs to be considered and a revised version of the Policy approved, to take effect on 1st April 2023.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee considers the response received during the consultation exercise and RESOLVES to approve the revised Sex Establishment Licensing Policy shown at Appendix 2 to take effect on 1st April 2023.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended, allows local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there is no legal requirement for the Council to adopt a policy on how it proposes to license sex establishments under the Act. However, it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions are carried out.
- 3.3 Where a Council has adopted such a policy, it is best practice for that policy to be reviewed periodically to ensure it remains up to date and fit for purpose.

Service / Operational Implications

- 3.4 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Bromsgrove District Council, that adopted Schedule 3 of the Act.
- 3.5 The Council resolved to adopt the original provisions at a meeting on 3rd July 1984.
- 3.6 On 15th September 2010 the Council resolved to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which were amended by virtue of Section 27 of the Policing and Crime Act 2009.
- 3.7 The adoption of the provisions as amended by the Policing and Crime Act 2009 meant that “sexual entertainment venues” in the District are subject to the same licensing requirements as sex shops and sex cinemas.
- 3.8 The new controls strengthened the role that local communities can play in deciding whether, for example, a lap dancing premises is appropriate for the locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people have legitimate concerns about where such premises are located.
- 3.9 On 14th March 2016, the Licensing Committee resolved to adopt a Sex Establishment Licensing Policy with effect from 1st April 2016.

- 3.10 The policy sets out how Bromsgrove District Council approaches its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 3.11 It also provides guidance to Members and Officers when considering applications and informs potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing functions.
- 3.12 As the existing policy has been in place for nearly seven years, officers considered that it was an appropriate time for the policy to be reviewed and for a revised version of the policy to be adopted.
- 3.13 Officers therefore reviewed the existing policy and presented a draft revised version to Members at the Licensing Committee meeting that took place on 11th July 2022.
- 3.14 The majority of the revisions that had been made were minor in nature and had been made to ensure the document is up to date and is as clear and easy to understand as is possible.
- 3.15 The draft revised policy was amended to update the foreword at the beginning of the document so that it reflected the current vision as set out in the Council Plan.
- 3.16 The draft revised policy was also updated to reflect the renaming of the Local Safeguarding Children Board as Worcestershire Safeguarding Children Partnership.
- 3.17 The level of fines applicable in respect of various offences set out in the relevant legislation were amended to reflect changes made to these since the current policy was approved.
- 3.18 Having considered the draft revised Policy, Members requested some further small alterations be made to the draft revised Policy and resolved to direct officers, subject to those changes being made, to carry out consultation with relevant stakeholders and the public on it.
- 3.19 The consultation exercise was undertaken between 7th October 2022 and 7th December 2022.
- 3.20 The consultation exercise was hosted on the Council's website and also publicised via social media channels.

3.21 Details of the consultation exercise and a copy of the draft revised policy was also forwarded to a number of relevant stakeholders, which included:

- West Mercia Police
- West Mercia Police and Crime Commissioner
- Hereford and Worcester Fire and Rescue Service
- Worcestershire Trading Standards
- UK Hospitality
- Night-Time Industries Association
- Worcestershire Local Enterprise Partnership
- Hereford and Worcester Chamber of Commerce
- Federation of Small Business
- Bromsgrove Centres Manager
- Bromsgrove Pubwatch
- Safer Bromsgrove (Community Safety Partnership)
- Director of Public Health for Worcestershire
- Bromsgrove District Council Planning Department
- Worcestershire Safeguarding Children Partnership
- Parish Councils
- Bromsgrove District Councillors
- Sajid Javid MP
- The Fawcett Society
- Object

3.22 The only response received during the consultation exercise was sent on behalf of the Director of Public Health for Worcestershire. The response received can be seen at **Appendix 1**.

3.23 Officers agree that this would be an appropriate amendment to make to the consultation arrangements for applications received for sex establishment licences and have therefore updated paragraph 2.4.1 of the draft revised policy to include the Director of Public Health in the list of bodies that will be notified of applications received. The updated version of the draft revised policy is shown at **Appendix 2**.

3.24 Members are now asked to consider the response to the consultation exercise and to resolve to approve the draft revised policy shown at **Appendix 2** to take effect on 1st April 2023.

4. RISK MANAGEMENT

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Carrying out consultation with relevant stakeholders when reviewing the policy minimises the risk of legal challenge.

5. APPENDICES

Appendix 1 - Response from Director of Public Health

Appendix 2 - Draft Revised Sex Establishment Licensing Policy
(Amended Following Consultation Exercise)

AUTHOR OF REPORT

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Worcestershire Regulatory Services

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From: Tillsley, Deborah <[REDACTED]>
Sent: 10 January 2023 09:21
To: Dave Etheridge <[REDACTED]>
Subject: External Email : Sex entertainment premises licence - Redditch and Bromsgrove

This email originated from outside of the organisation

STOP : Were you expecting this email? Does it look genuine?

THINK : Before you **CLICK** on any links or **OPEN** any attachments.

Hi Dave,

There are over 400,000 diagnoses of sexually-transmitted infections in England each year, as cases of syphilis have reached their highest level since 1949. The threat from antimicrobial resistance continues to grow, with drug-resistant infections now estimated to cause 700,000 deaths globally every year (PHE strategy 2020-2025).

Public Health recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. However, we also recognise the potential risks to staff and performers of sex establishments, particularly where alcohol is present. Links between alcohol use and poor sexual health outcomes has been recognised for some time.

Supporting people to adopt healthy behaviours can help to prevent poor health. Evidence shows that prevention and early intervention represent good value for money and the licensing process provides an opportunity to communicate key messages to those who may be at risk. Public health recommends that:

- The Director of Public Health be added to the list of consultees for sex entertainment premises

Deborah Tillsley
Public Health Practitioner
Chief Executives Directorate
Worcestershire County Council
Tel: [REDACTED]
Email: [REDACTED]

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Bromsgrove
District Council

www.bromsgrove.gov.uk

Sex Establishment Licensing Policy

Adopted with effect 1st April 2023

FOREWORD

Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has an estimated population of approximately 99,900 and in terms of area it covers approximately 84 square miles.

The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery.

Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.

Bromsgrove District Council's vision is "to enrich the lives and aspirations of all our residents, businesses and visitors through the provision of high quality services, ensuring that all in need receive appropriate help and support."

People are at the heart of everything we do; whether they live in our district, work here or choose to visit. Everyone deserves to receive the best possible service and support and we aim to put those in need at the forefront. We are dedicated to making a Bromsgrove a better place to live, work and visit; and intend to continue to play our part in developing and enhancing this unique district.

This policy statement accords with the Council's vision and the strategic purposes and priorities set out in the Council Plan.



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1. INTRODUCTION

1.1 The Policy

- 1.1.1 This document states Bromsgrove District Council's policy on the regulation of sex establishments.
- 1.1.2 This Policy was consulted upon between 7th October 2022 and 9th December 2022 and approved on 27th March 2023.
- 1.1.3 Consultation was carried out with local residents, relevant trade organisations, the Chief Officer of Police and other relevant organisations.
- 1.1.4 In developing this Policy Statement, we took into account the legal requirements of the 1982 Act and our duties under:-
- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the District;
 - (b) The Regulators Compliance Code (set out under the legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
 - (c) The Provisions of Services Regulations 2009 to ensure requirements are:
 - (i) Non-discriminatory
 - (ii) Justified by an overriding reason relating to the public interest
 - (iii) Proportionate to that public interest objective
 - (iv) Clear and unambiguous
 - (v) Objective
 - (vi) Made public in advance, and
 - (vii) Transparent and accessible.
- 1.1.5 This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equality Act 2010.

1.2 The Law

- 1.2.1 The Local Government (Miscellaneous Provisions) Act 1982 Bromsgrove District Council adopted Schedule 3 on 3rd July 1984. This meant that the Council controlled and regulated the operation of "sex shops" and "sex cinemas" within the district from this date.
- 1.2.2 The Local Government (Miscellaneous Provisions) Act 1982 was amended by the Policing and Crime Act 2009 to extend the licensing regime to include "sexual entertainment venues" within the definition of sex establishments. Bromsgrove District Council adopted the amended provisions of Schedule 3 on 15th September 2010. This meant that the Council now controls and regulates all types of sex establishment – sex shops, sex cinemas and sexual entertainment venues.

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APPENDIX 2

- 1.2.3 A list of definitions of the key terms used throughout the legislation and this Policy can be found at **Annex A** to this Policy.
- 1.2.4 No sex establishment can operate unless it has obtained a licence from the Council – any such licence will contain conditions that will restrict how that premises may trade.
- 1.2.5 The Council does not take any moral stand in adopting this Policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

DRAFT

2. LICENCE APPLICATIONS

2.1 Right to Waiver

- 2.1.1 Bromsgrove District Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.1.2 Each application for a waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances.
- 2.1.3 A waiver may be for such period as the Council think fit. Where the Council grant an application for a waiver, it will give the applicant for the waiver notice that they have granted the application.
- 2.1.4 The Council may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

2.2 Application Details

- 2.2.1 The applicant will be required to make their application in accordance with Clause 10, Schedule 3, of the Act.
- 2.2.2 To apply for the grant of a new sex establishment licence, an applicant must submit:-
- A completed application form;
 - A plan to the scale of 1:100 of the premises to which the application relates showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
 - The above plan should also contain details of all passive and active fire safety provisions including but no limited to: fire extinguishers, emergency lighting, fire signage & fire detectors.
 - A site plan scale 1:1250.
 - Drawings showing the front elevation as existing and as proposed to a scale of (1:50).
- 2.2.3 All applications must be accompanied by the relevant fee. In the event of an application being refused, the application fee may be refunded less an appropriate charge for the administrative process undertaken in determining the application, including any hearing before the Licensing Committee.

2.3 Consultation Arrangements - Public

2.3.1 The applicant must advertise any application for grant of a new licence or renewal, transfer or variation of an existing licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

2.3.2 This states that:-

- An applicant for the grant, renewal or transfer of a licence shall give public notice of the application.
- Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area
- The publication shall not be later than 7 days after the date of the application.
- Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- Every notice which relates to premises shall identify the premises
- Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- A notice shall be in such form as the appropriate authority may prescribe. (The form prescribed by Bromsgrove District Council for such notices is shown at **Annex B** to this Policy)

2.4 Consultation Arrangements – Relevant Bodies

2.4.1 The Council will also notify all applications for grant, renewal, transfer or variation of a licence to the following bodies who may comment on or object to the application within 28 days of the date of the application:-

- Chief Officer of West Mercia Police
- Worcestershire Safeguarding Children Partnership
- Hereford and Worcester Fire and Rescue Service
- Worcestershire Trading Standards
- Director of Public Health for Worcestershire
- Local Planning Authority (Bromsgrove District Council)
- Any relevant Parish Council
- Relevant Bromsgrove District Council Ward Members

2.5 Objections

2.5.1 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any

objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.

2.5.2 Any person can object to an application but the objection should be relevant either to the **mandatory grounds** for refusal set in **Section 3.3** or to the **discretionary grounds for refusal** set out in **section 3.4** below.

2.5.3 Objections should not be made on moral grounds or values. Any decision to refuse a licence will be relevant to one or more of the grounds in **3.3** and **3.4** below.

2.5.4 Objectors must give notice of their objection in writing, stating the general terms of the objections.

2.5.5 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.

2.6 Variation of a Licence

2.6.1 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.

2.6.2 The process of applying for a variation is the same as that for applying for an initial grant except that plans and drawings of the premises are not required unless the variation application involves making structural alterations to the premises.

2.7 Renewal of a Licence

2.7.1 The holder of a Sex Establishment Licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

2.7.2 The process of applying for the renewal of a licence is the same as that for an initial grant except that plans and drawings of the premises are not required.

2.8 Transfer of a Licence

2.8.1 A person may apply for the transfer of a licence at any time.

2.8.2 The process of applying for the transfer of a licence is the same as that for an initial grant except that plans and drawings of the premises are not required.

3. DETERMINATION OF APPLICATIONS

3.1 Decision Making – Delegation of Functions

3.1.1 Decisions relating to Sex Establishment licensing will be delegated in accordance with the table of delegated functions shown at **Annex C**.

3.2 General Principles

3.2.1 In determining an application relating to a sex establishment licence the Council will assess the application on its merits having regard to the content of this Policy, the relevant legislation and any relevant guidance that may be issued from time to time.

3.2.2 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Only a Licensing Committee may authorise a departure from the policy if it feels it appropriate for a specific application.

3.2.3 In determining an application for the grant, renewal, transfer or variation of a licence, the Council will have regard to any representations that it has received that are relevant to the grounds set out in **3.3 and 3.4**.

3.2.4 The Council will consider granting licences of 12 months duration or for a shorter term if deemed appropriate.

3.3 Mandatory Refusal of Applications

3.3.1 Paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out a list of circumstances in which the Council are not lawfully allowed to grant a licence to a person / body corporate to use a premises, vehicle, vessel or stall as a sex establishment.

3.4 Discretionary Refusal of Applications

- 3.4.1 The Council may refuse an application for grant or renewal of a licence on one or more of the grounds specified below:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves;
 - (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality (nil may be an appropriate number);
 - (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.4.2 The Council may refuse an application for the transfer of a licence on either or both of the grounds specified below:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves;
- ### **3.5 Applicant Suitability**
- 3.5.1 In determining applicant suitability for the grant of a new licence, renewal of a licence, or the transfer of an existing licence, the Council will take the following into account:
- Previous relevant knowledge and experience of the applicant;
 - Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
 - Any report about the applicant and management of the Premises received from objectors.
- 3.5.2 In particular the Council will liaise closely with the Police and any other relevant appropriate agencies in determining the fitness of the applicant.

3.5.3 Whilst every application will be considered on its merits, the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent criminal convictions.

3.6 Location of the Premises

3.6.1 In accordance with relevant case law, the Council shall decide on the suitability of a particular locality for a sex establishment as a matter of fact to be determined by the particular circumstances of each case and not by the prescription of boundaries as stated on a map.

3.6.2 The Council is mindful of its power to determine that no sex establishments should be located in a particular locality.

3.6.2 In determining whether the proposed location of a sex establishment is appropriate, the Council will have regard to all of the relevant circumstances including the following:-

- The general character of the relevant locality
- The proximity of residential premises
- The proximity of any places of public religious worship
- The proximity of any schools or other educational establishments
- The proximity of any playing fields and play areas
- The proximity of any leisure centres or swimming pools
- The proximity of any libraries or other public buildings
- The proximity of any youth clubs
- The proximity of any other licensed sex establishments
- The proximity of any premises authorised under the Licensing Act 2003 for the sale or supply of alcohol for consumption on the premises.

3.7 Renewal Applications

3.7.1 When considering an application for renewal of a sex establishment licence the Council will have due regard to how long the premises have existed and been licensed.

4. POWER TO PRESCRIBE STANDARD CONDITIONS

- 4.1 Schedule 3 Section 13 of the Act provides a power for the Council to specify Standard Conditions in relation to sex establishment licences.
- 4.2 The Council's Standard Conditions for sex shops and sex cinemas are detailed in **Annex D** of this Policy. The Council's Standard Conditions for sexual entertainment venues are detailed at **Annex E** of this Policy.
- 4.3 All licences will be granted, renewed, transferred or varied subject to these Standard Conditions unless expressly excluded, varied or added to by a Licensing Sub-Committee.

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5. **HEARINGS**

- 5.1 Where the Council is required to determine an application by reference to a Licensing Sub-Committee, the applicant and objectors will be advised of the date, time and venue of the hearing.
- 5.3 Hearings will be carried out in accordance with the Council's agreed procedure for Licensing Hearings.

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6 OPERATION AND MANAGEMENT OF PREMISES

- 6.1.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.
- 6.1.2 In terms of the management of licensed Premises, the Council strongly encourages where possible and appropriate, that licensees:
- a) Work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment, both within licensed Premises and in the environs around them;
 - b) Particularly those licence holders whose Premises are located in areas with high levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.
 - c) In terms of the management of licensed Premises, the Council strongly encourages and where possible and appropriate all licensees to develop strategies and procedures to increase access for disabled people to the Premises.
 - d) In terms of the employment of staff in licensed Premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

7. **ENFORCEMENT**

7.1 **General**

7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.

7.1.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Council's Corporate Enforcement Policy. This has been drafted with reference to the Statutory Regulator's Compliance Code.

7.1.3 The responsibility for the overall supervision of sex establishment licensing lies with the Head of Worcestershire Regulatory Services.

7.2 **Offences**

7.2.1 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include:

- Knowingly causing or permitting the use of any premises as Sex Establishment without a licence;
- Being the holder of a licence, knowingly employing a person in a Sex Establishment who is disqualified from holding a licence;
- Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
- Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

7.2.2 A person guilty of any of the above offences is liable on summary conviction to an unlimited fine.

7.2.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

8. REVOCATION OF LICENCES

- 8.1 The Council may, after giving the holder of a licence an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the following grounds:-
- (a) that one of the mandatory grounds for refusing to grant a licence exists and has come to light since the grant of the licence.
 - (b) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (c) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves.
- 8.2 The Council will consider whether or not to revoke a licence upon a request to do so from the Police or at the recommendation of the Head of Worcestershire Regulatory Services following representations from any other person or body.

9. AMENDMENTS TO THIS POLICY

9.1 Any significant amendment to this policy will only be implemented after further consultation with the trade and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution.

9.2 For the purpose of this section, any significant amendment is defined as one that:

- a) is likely to have a significant financial effect on licence holders, or
- b) is likely to have a significant procedural effect on licence holders, or
- c) is likely to have a significant effect on the community.

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ANNEX A - KEY DEFINITIONS

TERM	DEFINITION
the Act	Local Government (Miscellaneous Provisions) Act 1982
Authorised Officer	Any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
the Council	Bromsgrove District Council
Licence Holder	A person who holds a Sex Establishment Licence under the Act
this Policy	Bromsgrove District Council's Sex Establishment Licensing Policy
Premises	A building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a Sex Establishment Licence granted under the Act
Sex Establishment	As defined in Schedule 3 of the Act (as amended). A sex establishment means a sex shop, sex cinema or sexual entertainment venue as defined below in extracts from the Act.
Sex Cinema	<p>As defined in Paragraph 3(1) and 3(2) of Schedule 3 of the Act (as amended):</p> <p>In this Schedule, "sex cinema" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—</p> <ul style="list-style-type: none">(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—<ul style="list-style-type: none">(i) sexual activity; or(ii) acts of force or restraint which are associated with sexual activity; or(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, <p>but does not include a dwelling-house to which the public is not admitted.</p> <p>No premises shall be treated as a sex cinema by reason only—</p> <ul style="list-style-type: none">(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

Sex Shop

As defined in Paragraphs 4(1) and 4(2) of Schedule 3 of the Act, (as amended)

In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

Sex Article

As defined in Paragraphs 4(3) and 4(4) of Schedule 3 of the Act, (as amended)

In this Schedule “sex article” means—

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which the sub-paragraph below applies.

This sub-paragraph applies—

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound, which—
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sexual Entertainment Venue

As defined in Paragraph 2A of Schedule 3 of the Act (as amended)

In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

The following are not sexual entertainment venues for the purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
 - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - (ii) no such occasion has lasted for more than 24 hours; and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));
- (c) premises specified or described in an order made by the relevant national authority.

“audience” includes an audience of one;

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means—

- (a) in relation to England, the Secretary of State
- (b) in relation to Wales, the Welsh Ministers

ANNEX B - FORM OF PUBLIC NOTICE

Local Government (Miscellaneous Provisions) Act 1982

Schedule 3

**NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER
OF A SEX ESTABLISHMENT LICENCE**

Name/s of Applicant/s	
Postal address of premises including name of the premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Bromsgrove District Council for a licence to use the above premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a licence) and of the application may be inspected at the Customer Contact Centre, Parkside, Market Street, Bromsgrove between 9.00 am and 5.00 pm (Monday to Friday except public holidays).</p> <p>Any objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>(28 days after the date of the application)</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by an unlimited fine.</p>	

ANNEX C - TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Approval of any sex establishment licensing policy	All cases		
Application for a new sex establishment licence		In all cases	
Application for variation of a sex establishment licence		In all cases	
Application for transfer of a sex establishment licence		Where objections are received	In all other cases
Application for renewal of a sex establishment licence		Where objections are received	In all other cases
Application for waiver from the requirement for a licence		In all cases	
Consideration of the revocation of a sex establishment licence		In all cases	

ANNEX D

STANDARD CONDITIONS

APPLICABLE TO LICENCES FOR SEX SHOPS AND SEX CINEMAS

Definition

1. In these conditions save when the context otherwise requires the following expressions shall have the following meanings:-
 - (i) "Sex Establishment" "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building, or part of a building which is the subject of a Licence for a Sex Establishment granted under the said Third Schedule.
 - (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
 - (iv) "Approved" means approved by the Council in writing.
 - (v) "The Council" means Bromsgrove District Council.
 - (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960 – 1980.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a Licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a Licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
4. The marginal notes inserted in these Regulations are inserted for the purpose of convenience only and shall not affect in any way the meaning or construction thereof.

Hours of opening

5. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 9.30 a.m. and shall not be kept open after 6.00 p.m. on Mondays to Saturdays inclusive (Fridays to 8.00 p.m.).
6. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public on Sundays or any Bank Holidays or any public holidays.

Conduct and Management of Sex Establishments

7. Where the Licensee is a body corporate or an unincorporated body any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
8. The Licensee, or some responsible person nominated by them in writing for the purpose of managing the Sex Establishment in their absence and of whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the Premises during the whole time they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment shall be the Licensee or a Manager approved by the Council and shall be prominently displayed within the Sex Establishment throughout the period during which they are responsible for its conduct.
10. The Licensee shall maintain a daily register in which they shall record the name and address of any person who is to be responsible for managing the Sex Establishment in their absence, and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised Officers of the Council.
11. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the Premises.
12. The Licensee shall maintain good order in the Premises.
13. No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment and the Licensee must operate an age verification policy (Challenge 25 or similar) to ensure no person under the age of 18 is admitted to the Premises.
14. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
15. No part of the Premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.
16. Neither the Licensee nor any employee or to the person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
17. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
18. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council, indicating their name and that they are an employee.
19. The copy of the Licence and of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government

(Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Use

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
21. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
22. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
23. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods Available in Sex Establishments

24. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
25. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
26. No film or video film shall be exhibited sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
27. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling in matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

External Appearance

28. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
 - (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a Licence granted by the Council.

- (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
29. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
30. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 28 hereof.

State Condition and Layout of the Premises

31. The Premises shall be maintained in a good repair and condition.
32. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
33. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (iii) Save in the case of an emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
34. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
35. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.
36. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
37. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting, or layout of the Premises shall not be made except with the prior approval of the Council.
38. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Safety

39. The Licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required of them by the Council.
41. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

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ANNEX E

STANDARD CONDITIONS

APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES

General

1. Only activities which have previously been agreed in writing by the Licensing Authority shall take place
2. The agreed activities shall take place only in designated areas approved by the Licensing Authority
3. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
4. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence with the exception of the designated areas. In all other areas within the premises the performers and employees must at all times wear at least a G-string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.
5. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers' dressing rooms and staff areas.
6. At all times during a performance, performers shall have unrestricted access to a dressing room.
7. The entertainment will be provided only by the entertainers and no members of the audience shall be permitted to participate
8. No audience participation shall be permitted
9. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:
 - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
 - (b) the simple handshake greeting
 - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
 - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
 - (e) if the contact is accidental
10. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden

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11. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
12. Entertainers or performers not performing must not be in a licensed area in a state of undress
13. A clear notice shall be displayed at each entrance to the premises or to the licensed area in a prominent position stating "No persons under the age of 18 years will be admitted.
14. No entertainers under the age of eighteen shall take part in the entertainment, and an adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks
15. No person under the age of eighteen will be allowed on the premises where the entertainment is taking place and the Licensee must operate an age verification policy (Challenge 25 or similar) to ensure no person under the age of 18 is admitted to the Premises.
16. The entertainment shall under no circumstances be visible to members of the public from outside the premises
17. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) the address of the premises
 - (b) the licensed name of the premises
 - (c) a notice stating the opening hours of the establishment
18. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Licensing Authority.
19. The Licence Holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.
20. The licensee or a nominated manager shall be present on the premises at all times whilst the entertainment is taking place
21. A nominated person shall be present to oversee the activities of performers
22. A register shall be maintained and kept on the premises and be available for inspection at any time by police or officers of the Licensing Authority at all times, to clearly record the identity of the licensee(s) on duty, the day and times of start and finish of the duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register

CCTV

23. CCTV will be provided in the form of a recordable system capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
24. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where adult entertainment occurs.

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APPENDIX 2

25. Equipment MUST be maintained in good working order and be correctly time and date stamped.
26. Recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
27. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format, EITHER DISC or VHS to the Police / Local Authority on demand.
28. The recording equipment and tapes / discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
29. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant.
30. In the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence Holder / DPS MUST report the failure to the Police on contact number '101' immediately.

Door supervisors

31. Security Industry Authority (SIA) door supervisors shall be on duty at the premises and employed as follows:
32. From the commencement of opening hours on (all days or specific days of the week), there will be a minimum of two (2) SIA registered door supervisors. Where the numbers of persons at the premises reach 150 (including all staff) three (3) SIA door staff shall be employed. These numbers will be maintained until the end of licensable activities.
33. The Premises Licence Holder or Designated Premises Supervisor (DPS) or a person nominated by them in writing for the purpose, shall maintain a register of door supervisors, which shall be kept on the premises, showing the names and addresses of the door supervisors, their badge numbers and shall be signed by the door supervisors as they commence and conclude duty. The register shall be made available on demand for inspection by Officers of the Fire Authority, Police, Licensing Authority or any other authorised body.

Incident Log

34. An incident log must be kept at the premises and made immediately available on request to an authorised officer of the Council or the Police. Incident log records will be retained for a period of 12 months from the date it occurred. The incident log must record the following:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received
 - any incidents of disorder
 - seizures of drugs or offensive weapons
 - any faults in the CCTV system or searching equipment or scanning equipment
 - any visit by a relevant authority or emergency service

Club rules / Price List

35. A code of conduct for dancers shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the Council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council
36. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.
37. In relation to points 35 and 36 above, these procedures and rules must be produced for inspection by the Licensing Authority and the Police within 14 days of issue of the licence.
38. Patrons or members of the audience shall not be permitted to take photographs or record digital images of performers within the premises via a camera or mobile phones.
39. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.

Dispersal Policy

40. A dispersal policy in relation to the premises shall be kept on the premises and produced to the Police and authorised Local Authority Licensing Officers on request.

Advertisements and Marketing

41. Any person connected with or employed by the business who can be observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad shall mean that nudity or underwear is visible).
42. The licensee shall not allow the use of vehicles, including limousines, for the promotion of the relevant adult entertainment.
43. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
44. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.
45. The licensee shall ensure that any marketing communications associated with the licensed premises or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

Admission of Authorised Officers

46. Officers of the Council, Police, and other agencies having authorisation (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

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**LICENSING
COMMITTEE**

27th March 2023

LICENSING COMMITTEE WORK PROGRAMME 2022/23

27th March 2022

Hackney Carriage and Private Hire Vehicle Age Limits and Testing Arrangements – Consideration of consultation responses

Draft revised Sex Establishment Policy. – Consideration of consultation responses

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