



Licensing and Enforcement Committee

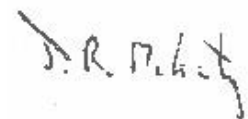
Meeting: Tuesday, 14th September 2021 at 6.30 pm hours in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP

Membership:	Cllrs. Walford (Chair), Brooker (Vice-Chair), Ackroyd, Bowkett, Chambers-Dubus, Finnegan, Hyman, O'Donnell, Patel, Radley, Tracey and Williams
Contact:	Democratic and Electoral Services 01452 396126 democratic.services@gloucester.gov.uk

AGENDA

1.	APOLOGIES To receive any apologies for absence.
2.	APPOINTMENT OF VICE-CHAIR To confirm the appointment made at the Annual Meeting of Council of Councillor Brooker as Vice-Chair of the Committee.
3.	DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
4.	MINUTES (Pages 5 - 8) To approve as a correct record the minutes of the meeting held on the 15 th June 2021.
5.	MINUTES OF LICENSING SUB-COMMITTEES (Pages 9 - 24) To receive the minutes of the following meetings of the Licensing Sub-Committee:- <ul style="list-style-type: none">• Thursday, 1st July 2021;• Thursday, 29th July 2021.
6.	PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• Matters which are the subject of current or pending legal proceedings, or• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers

7.	PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON) To receive any petitions and deputations provided that no such petition or deputation is in relation to: <ul style="list-style-type: none"> • Matters relating to individual Council Officers, or • Matters relating to current or pending legal proceedings
8.	COMMON STANDARDS FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS IN GLOUCESTERSHIRE (Pages 25 - 196) To receive the report of the Head of Communities. The report presents to members the result of the consultation feedback on the draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire (following the publication of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards). The report also asks members to consider the consultation feedback and agree a final version of the Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire for adoption.
9.	GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES (Pages 197 - 256) To receive the report of the Head of Communities. The report asks members to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2022-2025 be formally approved and adopted.
10.	QUARTERLY UPDATE (Pages 257 - 264) To receive the report of the Head of Communities, which outlines to members, details of key Licensing Activities carried out from 1 June 2021 to 31st August 2021, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.
11.	DATE OF NEXT MEETING Tuesday, 14 th December at 6.30 p.m.



Jon McGinty
Managing Director

Date of Publication: Monday, 6 September 2021

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 15th June 2021

PRESENT : Cllrs. Walford (Chair), Ackroyd, Bowkett, Chambers-Dubus, Finnegan, Hyman, Patel, Radley and Tracey

Officers in Attendance

Head of Communities

Licensing Team Leader

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

APOLOGIES : Cllrs. Brooker, O'Donnell and Williams

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

Councillor Walford was confirmed as Chair of the committee.

The appointment of Vice-Chair is deferred following the Chair proposing and the committee agreeing that further discussions should be held.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on the 16th March 2021 were confirmed and signed by the Chair as a correct record.

4. MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED that the minutes of the meeting of the Licensing Sub-Committee held on the 1st April 2021 were received.

5. MINUTES OF LICENSING AND ENFORCEMENT SUB-COMMITTEES

No member indicated that they wished to discuss the content of the exempt minutes. Therefore, it was not necessary to exclude the press and public.

LICENSING AND ENFORCEMENT COMMITTEE
15.06.21

RESOLVED that the exempt minutes of the Licensing and Enforcement sub-committee held on the 23rd March, 2021 were received.

6. PUBLIC QUESTION TIME (15 MINUTES)

There were no public questions.

7. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

There were no petitions or deputations.

8. TAXI TARIFF

The Licensing Team leader read a statement which summarised the contents of the report of the Head of Communities. The report outlined to members a proposal submitted by Gloucester Hackney Carriage Association (GHCA) for an increase to the current Hackney Carriage tariff.

Councillor Bowkett asked how the proposed 6.5% increase to the Hackney Carriage tariff had been calculated.

Through the Chair, a local driver and member of the Gloucester Hackney Carriage Association (GCHA) replied that the previous increase in tariff had taken place in 2017. He stated that if the proposed increase had been entirely based of inflation rates, the proposed increase would come to 8-10% but that 6.5% was agreed to be a good compromise. He stated that other drivers in the trade had been consulted on the proposed 6.5% increase and approximately 70% of those who responded had agreed that it was a sensible compromise. He stated that the increase of 6.5% would keep rates below that of Cheltenham and Stroud. He added that in January 2020, the GHCA had proposed an increase to taxi tariffs but that owing to the COVID-19 pandemic, it was agreed to halt the proposed increase. He stated that he and other drivers in the trade were confident that the 6.5% increase would mean that they could offer customers a good service for a fair price.

RESOLVED that the proposed increase to the Hackney Carriage tariff is advertised as a public notice in accordance with the requirements of Section 65, Local Government (Miscellaneous Provisions) Act 1976.

AND

If no objections are received from the public within 14 days of publication of the notice that the proposed tariff will come into effect from 1st August 2021.

OR

If objections are received within the 14 days, then the matter will be considered further at the September meeting of the Licensing and Enforcement Committee.

LICENSING AND ENFORCEMENT COMMITTEE
15.06.21

9. QUARTERLY UPDATE

The Licensing Team Leader asked members whether they understood the contents of the report and whether they had any queries on any aspect of it.

Members indicated that they had read the report and understood its content.

RESOLVED that the Licensing and Enforcement Committee note the contents of the report.

10. DATE OF NEXT MEETING

Tuesday, 14th September 2021 at 6.30 p.m in Civic Suite, North Warehouse.

Time of commencement: 6.30 pm hours

Time of conclusion: 6.44 pm hours

Chair

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LICENSING SUB-COMMITTEE

MEETING : Thursday, 1st July 2021

PRESENT : Cllrs. Finnegan, Hyman and Walford

Officers

Licensing Team Leader

Licensing Officer

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

Also in Attendance

Chief Legal Officer and Head of Legal Services, Gloucestershire Constabulary

Gloucester and Forest Police Licensing Officer, Gloucestershire Constabulary

Licensing Officer, Gloucestershire Constabulary

Barrister, St John's Chambers (Representing the Licence Holder and Designated Premises Supervisor)

Agent, RB Retail & Licensing Services Limited (Representing the Licence Holder and Designated Premises Supervisor)

Licence Holder, Sedoos Stop

Designated Premises Supervisor, Sedoos Stop

APOLOGIES : Cllrs. None

1. ELECTION OF CHAIR

Councillor Walford was elected Chair.

2. WELCOME AND INTRODUCTIONS

Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

3. DECLARATIONS OF INTEREST

LICENSING SUB-COMMITTEE
01.07.21

There were no declarations of interest.

4. APPLICATION FOR DETERMINATION

Licensing Officer's Report

Additional conditions proposed by the Licence Holder, the Designated Premises Supervisor and their representatives were circulated to members and other relevant parties in advance of the meeting.

The Licensing Officer presented the report inviting members to consider an application from Gloucestershire Constabulary to review an existing Premises Licence in respect of Sedoos Stop, 25 London Road, Gloucester, GL1 3HB.

The Licensing Officer stated that, as a result of consultation between the Licence Holder, their representatives and Gloucestershire Constabulary, 16 proposed conditions on the Licence and an agreement to rearrange the layout of the shop, to help combat street drinking and anti-social behaviour within the locality had been reached.

The Chair asked if anyone present sought any clarification on any aspects of the Licensing Officer's report.

No one sought clarification.

Statement of Gloucestershire Constabulary

Counsel representing Gloucestershire Constabulary stated that members had been called to consider a review application that had been lodged by the Police, in relation to Sedoos Stop, a well-known convenience store.

He stated that representatives for the Designated Premises Supervisor (DPS) had sent representations to the Constabulary and had proposed additional conditions on their Licence to help combat anti-social behaviour, and street drinking within the locality. He said that in 2017, Sedoos had applied for a Licence to sell alcohol 24 hours a day, and there existed similar issues with regards to street drinking and anti-social behaviour then, but these issues had been exacerbated in the past few years.

Counsel representing Gloucestershire Constabulary noted that after analysing the proposed additional conditions on the Licence put forward by representatives of the DPS and Licence Holder, their view was that these conditions would, broadly speaking, meet the concerns that the Police had.

Counsel representing Gloucestershire Constabulary stated that the premises was located near several complex housing providers. He added that when there was an off-licence that was proximate to complex housing providers and in an area that had issues with street drinking, that it was pivotal to promote Licensing objectives and have stringent conditions. He stated that the area where Sedoos was located had been a problematic area for several years.

LICENSING SUB-COMMITTEE
01.07.21

Counsel representing Gloucestershire Constabulary stated that behavioural issues had got worse in the past 12 months and that the Gloucester and Forest Police Licensing Officer believed that the best way to deal with the behaviour that had been exacerbated by the selling of high strength and single cans of alcohol at Sedoos Stop was to have a review.

The Gloucester and Forest Police Licensing Officer explained that the biggest issue in the area was that of street drinking. He stated that the Constabulary had viewed CCTV which demonstrated clearly drunk persons who were congregating outside the store, going into it to purchase alcohol.

He stated that the issue of anti-social behaviour and street drinking in the area was so bad that children were taking a different route to school as people walking through the area were being heckled and abused.

The Gloucester and Forest Police Licensing Officer said that the Police and PCSO's were visiting the area and the shop regularly but that they could not feasibly be in the area at all times. He stated that there were many issues in the area, particularly with street drinkers. He said that some of the conditions offered by the DPS and Licence Holder for the store were 'quite unique'. He stated that it demonstrated that the store would actively co-operate with local complex housing providers such as Newton House.

He reiterated that co-operation with complex housing providers was necessary to combat the issue of anti-social behaviour and street drinking.

The Chair asked the DPS and his Counsel whether they sought any clarification on the submissions of the Police.

The DPS and his Counsel sought no clarification.

Councillor Hyman asked the Gloucester and Forest Licensing Police Officer whether there were issues with other premises that sold alcohol within the locality and what action Sedoos had taken to combat the persistent street drinking and other behavioural issues in the area.

The Gloucester and Forest Police Licensing Officer replied that Sedoos would benefit by going outside to see those who were visibly drunk on occasions so that they would know who to refuse service to. He stated that one of the conditions proposed by the DPS and his counsel was to sell a minimum of four cans of beer, lager, or cider to any one customer at a time. He stated that this would help combat street drinking as many street drinkers go in as soon as they had enough for one can and would purchase it from Sedoos. He stated that this proposed policy of no single cans being sold would be greatly beneficial. He said that numerous other premises in the area, including Tesco's Express and a nearby Petrol station already had a policy of not selling single cans and that most had introduced a ban on beer, lager or cider above 7.5% abv, though not all premises in the locality had.

He stated that street drinkers usually congregated outside Sedoos due to how easy it was to purchase alcohol there.

LICENSING SUB-COMMITTEE
01.07.21

The Chair pointed to the sixteenth proposed condition which stated that 'the premises will not stock or sell any beer, lager or cider above 9% abv.' He asked why 9% was the agreed figure.

The Gloucester and Forest Police Licensing Officer replied that this was the figure that was agreed upon by himself and the DPS and their counsel. He stated that idealistically capping it to a maximum of 7.5% abv could be beneficial and that other stores within the area had a policy of not selling cans of beer, lager, or cider above that percentage.

He added that the most important aspect was avoiding the sale of extremely high strength cans, as street drinkers who had the goal of getting drunk for the cheapest price, would prioritise the highest percentage and cheapest cans they could purchase.

The Chair noted that one of the proposed conditions stated that Sedoos would cooperate with support organisations in the area and he questioned why there were so many complex support organisations in such close proximity to one another. He asked how co-operation would happen between Sedoos and other appropriate support organisations to ensure that banned individuals did not purchase alcohol.

The Gloucester and Forest Police Licensing Officer replied that one of the conditions proposed by the DPS and their counsel and agreed upon by Gloucestershire Constabulary was that Sedoos would join the City Safe scheme and that the City Safe app had banned individuals on it, whilst remaining GDPR compliant. He stated that the City Safe scheme would allow employees at Sedoos to view a list of banned persons. He stated that he would work with PCSO's and agencies to provide a list of people not to serve alcohol. He stated that it should be a simple process to get Sedoos on the City Safe scheme and for them to receive an updated list of banned persons.

Councillor Finnegan noted that there were numerous complex housing and support providers within the locality and that many of their residents had extremely complex needs. She questioned how long the list of banned persons would be.

The Gloucester and Forest Police Licensing Officer replied that there was usually less than 100 people on the banned list. He stated that they had to rely on the management of the complex housing/ support providers to liaise with the appropriate authority and make premises aware of who should not be served alcohol.

Statement of the Licence Holder and the DPS

Counsel representing the Licence Holder and DPS stated that Sedoos was a family business that was clearly operating within a difficult area. He said that whilst the owners of the store did not accept all allegations contained within the report, they did accept that changes needed to be made to combat the issue of street drinking and anti-social behaviour within the area. He said that he believed that the conditions proposed were very proactive.

LICENSING SUB-COMMITTEE
01.07.21

He stated that he was happy that the Police had supported the additional conditions and the proposal to change the layout of the store and that going to review had been beneficial as it had led to the introduction of the conditions that would help combat street drinking and anti-social behaviour in the area.

Counsel representing the DPS and the Licence Holder stated that the vast majority of the sixteen conditions proposed would be introduced immediately. He stated that the first condition, which stated that the 'premises shall install and maintain a new comprehensive CCTV system' would begin on the 15th July and would be completed by the 25th July. He noted that the CCTV installation would cost the licence holder and the DPS £10,000.

Counsel representing the DPS and the Licence holder stated that they had learnt their lesson and that they were wholly aware that if there were any breaches of the licence in the future, then they would end up in front of a Sub-Committee again and that there would be consequences.

The agent representing the Licence Holder and the DPS pointed to a Premises Licence Guidance Manual. He stated that it aimed to simplify the training procedure for staff meaning that that all staff members would be properly trained. He stated that section 3 of the Premises Licence Guidance Manual had a pamphlet for staff for them to read at home and then be tested at the store. He stated that the Guidance Manual covered a comprehensive list of topics including consumption of alcohol off and on the premises, preventing sales to underage persons, duty to refuse service and street drinking.

The Chair asked the DPS how often he attended the store.

The DPS replied that he was usually there five days a week.

The Chair asked the DPS how he intended to handle the issue of street drinking and anti-social behaviour.

The DPS replied that changing the layout of the shop to put all alcoholic products behind the counter, thus preventing self-service on any alcoholic products would help to combat the issue. He stated that they would also not sell single cans of beer, lager, or cider. He added that they had also banned numerous people from purchasing alcohol who were at Newton House and that they would co-operate with the police.

The Chair asked the DPS what steps he would take to clean up the area just outside the store.

The DPS replied that he or a member of staff would clean up outside the store every single day.

Councillor Finnegan noted that a couple of the witness statements noted that the shop ran tabs for some customers and that there were many vulnerable people in the area. She asked whether the store had a tab limit, particularly for vulnerable customers.

LICENSING SUB-COMMITTEE
01.07.21

The DPS replied that the store did not provide tabs for customers.

The Chair noted that sixteenth proposed additional condition stated that the store would not sell alcohol above 9% abv. He asked whether currently, the cliental bought high strength alcohol.

The DPS replied that most customers did not buy the high strength beers and lagers and that they preferred ciders. He stated that the condition not to sell single cans would help the issue with street drinking and that street drinkers had stopped coming since the agreement not to sell single cans.

Councillor Hyman asked the DPS whether he was suggesting that trouble inside and around the premises had gone down recently.

The DPS replied that he was unsure, that most of the trouble was outside of the store but that he believed that imposing the conditions would mean that anti-social behaviour and street drinking would come down.

Sum up by Gloucestershire Constabulary

Counsel representing Gloucestershire Constabulary stated that having observed the DPS's evidence that most of the problems in the area were caused by customers. He stated that the proposed additional conditions demonstrated a shift in policy and a step forward by the store and that Gloucestershire Constabulary would monitor the situation. He stated that, in broad terms, they were happy with the package and the conditions put forth by the Licence Holder, the DPS and their representatives.

Licence Holder and DPS Sum up

The agent representing the Licence Holder and DPS stated that a lot of effort had been put into the new layout of the store. He added that it would prevent any self-service of alcohol. He stated that the layout changes, additional conditions, and training manual would put the control firmly in the hands of staff members.

Officer Sum Up

The Licensing Officer outlined the options available to the Sub-Committee detailed in the report.

The Decision

The Sub-Committee having considered the request of a review of the premises licence of Sedoos Stop, 25 London Road, Gloucester, GL1 3HB under section 51 of the Licensing Act 2003, after having undertaking a hearing and considering all of the relevant representations has resolved: -

To modify the conditions of the Premises Licence as per the 16 conditions put forward by the police and agreed by the those representing Sedoos save for

LICENSING SUB-COMMITTEE
01.07.21

amending condition 16 to make the ABV 7.5% in line with the other stores in the area.

Furthermore, there will be the removal of all existing conditions from annex 2 on page 4 of the existing premises licence and the 16 conditions as approved be substituted.

The committee are impressed by the collaborative working, they think this is very innovative and like the idea of all the parties working together.

The redesign of the shop has taken in to account the major issue with customers being able to handle alcohol themselves and the committee applaud that decision.

Right of appeal

All parties are reminded that there is a right of appeal to the local Magistrates' Court within 21 days of formal notification of this decision.

Time of commencement: 4.00 pm hours

Time of conclusion: 4.55 pm hours

Chair

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LICENSING SUB-COMMITTEE

MEETING : Thursday, 29th July 2021

PRESENT : Cllrs. Finnegan, Walford and O'Donnell

Officers

Licensing Team Leader

Senior Lawyer, One Legal

Democratic & Electoral Services Officer

Also in Attendance

Senior Trading Standards Officer, Gloucestershire County Council
Trading Standards Service

Licence Holder, WAG 3

Solicitor, Fountain Solicitors (Representing the Licence Holder)

APOLOGIES : None.

1. ELECTION OF CHAIR

Councillor Walford was elected Chair.

2. WELCOME AND INTRODUCTIONS

Those present introduced themselves and the Chair outlined the procedure to be followed for the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. APPLICATION FOR DETERMINATION

Counsel representing the Licence Holder attended the meeting virtually after a Court date she had participated in Ealing overran. The Chair confirmed with her and the Licence Holder that they were content for her to represent her client virtually. Counsel representing the Licence Holder confirmed that she and her client were

LICENSING SUB-COMMITTEE
29.07.21

happy to proceed and, she thanked the Sub-Committee for allowing her to join virtually.

Licensing Team Leader's Report

The Licensing Team Leader presented the report inviting members to consider an application to review an existing Premises Licence in respect of WAG 3, 38 Bristol Road, Gloucester, GL1 5SD.

Statement of Gloucestershire County Council's Senior Trading Standards Officer

The Senior Trading Standards Officer stated that the reasonings for the application for a review of the Premises was contained within the report. He stated that Gloucestershire County Council Trading Standards were the responsible authority that had applied for a review of the Licence.

He stated that Trading Standards enforced legislation regarding the sale of illegal tobacco, which was tobacco that could not be legally sold. He said that the application laid out the pieces of legislation broken by the Licence Holder, which could attract a fine on summary conviction of up to 2 years imprisonment.

He said that the sale of illegal tobacco was in the top 5 areas of work that Trading Standards were attempting to deal with. He stated that, unfortunately, Gloucester had numerous premises which sold illegal tobacco, though most did not have a Licence to sell alcohol.

He stated that illegal tobacco was far cheaper than the legal equivalent. He said that the consequence of this was that it made it more accessible to people who would otherwise be encouraged to give up smoking. He added that, the Government purposefully have tobacco at higher prices to encourage people to give up.

He said that another consequence of the sale of illegal tobacco was that it damages trade for Businesses within the City who were operating fairly.

He said that illegal tobacco had no duty paid on it. He said that the excise duty payable on 20 cigarettes was currently £6.42.

He said that regarding the sale of counterfeit and often smuggled tobacco products, consumers were being misled into believing that they were purchasing legal brands such as Richmond, when they were being given low-quality tobacco.

He said that cheap white cigarettes were made for smuggling and that they had no legitimate market.

The Senior Trading Standards Officer pointed to the revised guidance issued under Section 182 of the Licensing Act 2003.

'It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will

LICENSING SUB-COMMITTEE
29.07.21

use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered'

He said that Trading Standards decided to investigate Wag 3 after receiving intelligence that they may be selling illegal cigarettes. He stated that a person was sent for a test purchase into the shop in March 2021 and enquired after 'cheap polish cigarettes'.

He stated that the Licence Holder replied that they had a pack of 'Cheap Richmond cigarettes' for £6.00.

The Senior Trading Standards Officer stated that after investigating the purchased packet of cigarettes, he believed that they were counterfeit. He showed the packet to those present at the meeting. He stated that the package did not contain the warnings required by law on the packet. He further added that they could not have had duty on them as the duty cost more than what the cigarettes were sold for.

He stated that following the first test purchase, it was decided to conduct a second test purchase on the 14th of April, 2021. He stated that the test purchaser again purchased a pack of 'Cheap Richmond' cigarettes for £6.00, and the packaging was identical to the first test purchase. He stated that after the second failed test purchase, a third test purchase was conducted on the 20th of April 2021. He stated that the test purchaser on this occasion was informed by the male behind the counter that he did not have any cheap cigarettes but may have some the following day.

He stated that on the 21st April 2021 a Trading Standards Inspection was carried out at WAG 3 for the purpose of identifying and seizing any illegal tobacco suspected of being in possession for sale. He stated that the Licence Holder was on his own behind the counter. The Senior Trading Standards Officer stated that the inspection identified two packets of illegal cigarettes under the counter.

The Senior Trading Standards Officer stated that on the discovery of the illegal cigarettes the Licence Holder informed him that the illegal cigarettes were not for sale and that he did not sell them. The Senior Trading Standards Officer stated that he, therefore, asked for CCTV to investigate the matter, which Trading Standards had the authority to do. He stated that the Licence Holder informed him that he could not access the CCTV as his business partner knew the code for the CCTV but was in Pakistan and that he could not get in contact with him.

He stated that alongside the discovery of illegal cigarettes, the following breaches of the Licence were discovered:

- There was no refusal log;
- The Challenge 25 poster in the premises was obscured by a product display. The Licence Holder was unclear as to whether he understood the Challenge 25 policy;

LICENSING SUB-COMMITTEE
29.07.21

- The statutory tobacco notice required under the Children and Young Persons (Protection from Tobacco) Act 1991 stating that “It is illegal to sell tobacco products to anyone under the age of 18” was not on display.

The Senior Trading Standards Officer stated that after multiple attempts to get the password from the Licence Holder, on the 11th of May, 2021, after several hours of work, the Senior Trading Standards Officer managed to obtain a password reset code from the manufacturer of the CCTV system and reviewed footage from the shop. He noted that the time listed on the CCTV footage was one hour slow.

He stated that he located the CCTV footage of the first test purchase. He stated that the footage confirmed the sale of illegal tobacco in the form of a test purchase and pointed to a still image (RC5) contained in the report demonstrating this fact. He stated that he subsequently did the same for the second test purchase.

He said that following confirming of the failed two test purchases on CCTV from April and March, the Senior Trading Standards Officer watched an entire day of footage from April 14th which showed the Licence Holder taking illegal cigarettes out of a sports bag and proceeding to sell numerous packs of illegal tobacco.

The Senior Trading Standards Officer noted that there was an error contained within his report. He stated that an image included in the report (RC11) showed a packet of Gold illegal cigarettes being handed over to a customer. He said that on this occasion, the pack of cigarettes photographed in RC11 were handed back to the Licence Holder and that they were not the cigarettes the customer walked off with.

The Senior Trading Standards Officer said that on the 21st April 2021 a male who looked younger than 18, and ‘certainly’ younger than 25 obtained cigarettes.

The Senior Trading Standards Officer stated that there was further evidence of severe breaches of the Licence on July 7th and asked the Chair whether he could introduce the evidence.

After consulting Counsel representing the Licence Holder, the Chair stated that the additional piece of the evidence not contained within the report should not be viewed by members of the Sub-Committee nor introduced into the meeting as Counsel representing the Licence Holder and the Licence holder had not been given due time to evaluate and respond to the evidence.

The Senior Trading Standards Officer concluded by stating that the Licence Holder had failed two test purchases. That there was CCTV evidence of the sale of illegal tobacco after the review of a day’s footage from the 14th April 2021. That the Licence Holder had failed to provide CCTV, which was a breach on the Licence. He noted that he believed that the Licence Holder had been deliberately obstructive regarding the failure to provide CCTV, as he knew that it contained evidence of the sale of illegal tobacco. He stated that when the report was written, the Licence Holder had denied that there had been a sale of illegal tobacco, despite CCTV evidence demonstrating that he had. He stated that a person cannot accidentally purchase illegal tobacco and that no legitimate sellers do so. He said that he was

LICENSING SUB-COMMITTEE
29.07.21

unaware as to why the Licence Holder sold illegal tobacco, but the fact was that he had. He stated that a condition of the Licence was that CCTV should be provided when requested by a responsible authority. He said that there was no refusal log at the shop, single cigarettes had been sold, that there had been sales of illegal tobacco, that there was no Challenge 25 policy being enforced and that the Challenge 25 poster was obscured. He stated that he had little faith that the Licence Holder could comply with further Licence conditions, should he or his Counsel propose them.

The Chair asked Counsel representing the Licence Holder whether she, or her client sought clarification on any aspect of the statement of the Senior Trading Standards Officer.

Counsel representing the Licence Holder stated that they sought no clarification.

The Chair asked Members whether they sought any clarification on the report.

Councillor Finnegan and O'Donnell sought no clarification on the report.

The Chair asked the Senior Trading Standards Officer whether Richmond cigarettes were sold in the country.

The Senior Trading Standards Officer responded by stating that Richmond was a legitimate brand. However, he believed that the cigarettes sold under the counter had counterfeit packaging and were not Richmond cigarettes.

Statement of the Licence Holder

Counsel representing the Licence Holder pointed to Appendix 1 of the report and noted that the Licence had been renewed in November 2020. She stated that it was evident that, prior to the Licence breaches in March and April of 2021, there was no evidence that there were any issues before or after this period. She stated that her client had undergone training, so understood the terms of the Licence and that he understood what the Challenge 25 policy was. She said that there was an acceptance on her client's part that there had been sales of non-legal tobacco substances. She stated that her client had stated that he had been given some packs of 20 and that he had made the mistake of deciding to try and get rid of them by selling them to customers who did not have enough to purchase expensive cigarettes. She reiterated that her client understood that he should not have sold the illegal cigarettes. She stated that the video evidence demonstrated that the Licence Holder was not operating a large scale illegal tobacco selling operation and that by her calculations, over the course of a two day period, there were a total of 4 illegal packs of cigarettes sold, and a couple of individual sales. She stated that the Licence Holder was sorry for the offence and that it would not occur again.

Regarding the difficulties surrounding accessing the CCTV, she stated that the Licence Holder's business partner was in an outer region of Pakistan and was difficult to contact. She stated that the Licence Holder was not trying to frustrate the process of the Senior Trading Standards Officer of accessing the CCTV. She stated that it was just unfortunate timing as the Licence Holder's business partner was in Pakistan.

LICENSING SUB-COMMITTEE
29.07.21

She stated that her client understood that he had made a mistake. She stated that the Challenge 25 poster had been obscured at the time of the Trading Standards visit as there was a pile of deliveries that had just come in, which obscured the poster. She stated that had the inspection occurred on a different day, the Challenge 25 poster would have been visible. She stated that the sign was no longer obscured.

She stated that regarding the lack of a refusal logbook, there was an acceptance that there was not a refusal logbook but that this had been rectified and there was one now. She stated that a poster saying that it was illegal to sell tobacco to persons aged under 18 was displayed clearly.

Counsel representing the Licence Holder stated that the Licence Holder had had a licence for a long time without any issues, that he had training and was fully aware of the Challenge 25 policy. She stated that posters were in the shop and were visible to customers and that the evidence showed that he had not sold copious amounts of illegal cigarettes and understood that he had made a mistake.

She stated that she was not trying to minimise his behaviour, but he was by no means a 'criminal mastermind'.

The Chair noted that a condition of the Licence was to always have someone on site during opening hours who could access CCTV. He asked what would be done to ensure that this was the case in the future.

Counsel representing the Licence Holder replied that this situation had been rectified and that the Licence Holder now had the codes to access the CCTV. Therefore, the Licence Holder would be able to access the CCTV when required.

Councillor Finnegan asked the Licence Holder why he sold single cigarettes, particularly with the potential of cross infection during the COVID-19 pandemic.

The Licence Holder replied that he had not sold single cigarettes and that the single cigarette he had given was to a shop worker next door was his own personal one. He added that he took money from the customer as she could not afford an entire packet.

The Chair noted that the Licence Holder had admitted to selling counterfeit cigarettes on a small scale, the reasonings behind not displaying adequate signage and why CCTV was not provided when originally requested.

The Licence Holder stated that he tried to get the code to the CCTV on the same day as he was asked to by the Senior Trading Standards Officer. He added, however, that he did not get a response from his business partner until June 20th. He stated that he had sold illegal cigarettes and was sorry for this. He stated that he would follow all terms of the Licence going forward. He added that all signage was in the correct place.

The Chair asked the Senior Trading Standards Officer whether he would pursue prosecution in the future.

LICENSING SUB-COMMITTEE
29.07.21

The Senior Trading Standards Officer replied that they were not considering that option at the current time and that a review at this point was the preferable option, though he would not rule any option out.

Councillor O'Donnell asked the Licence Holder whether he owned the shop with his business partner.

The Licence Holder replied that this was correct.

Gloucestershire County Council's Senior Trading Standards Officer Sum Up

The Senior Trading Standards Officer noted that Counsel representing the Licence Holder stated that he had been on training to get the Licence and had been told what he could and could not do, and that he had not done so. He stated that he was not a 'tobacco mastermind' as highlighted by the Licence Holder's counsel but he had sold illegal cigarettes. He stated that the Licence Holder had claimed that he had not sold single cigarettes and that it was his personal cigarette, but that he had put the money in the till which showed this statement to be inaccurate. He stated that regarding the lack of visibility of the Challenge 25 Policy poster, this was not obscured by stock but by an aftershave display, as evidenced in picture RC5 in the report.

Licensing Team Leader Sum Up

The City Centre Improvement Officer outlined the options available to the Sub-Committee detailed in paragraph 7.4 of the report.

Licence Holder Sum up

The Licence Holder stated that it was the first and last time he would breach conditions of the Licence and that he was sorry. He stated that he was aware of the rules, that he had made a mistake and that he wanted one chance for his business. He said that if his Licence were taken away from him, then he would lose his business. He asked the Committee for one chance.

Counsel representing the Licence Holder stated that she reiterated what her client had just said. She stated that he had accepted wrongdoing and rectified the issues that had led to the necessity of a Sub-Committee. She stated that the Licence Holder was a gentleman who had learnt from his mistake.

The Decision

The Sub-Committee having considered the request of a review of the premises licence of WAG 3, 38 Bristol Road, Gloucester, GL1 5SD under section 51 of the Licensing Act 2003, after having undertaking a hearing and considering all of the relevant representations has resolved: -

To issue a general warning about how the Licence Holder conducts his business and suspend the licence for a period of 21 days.

LICENSING SUB-COMMITTEE
29.07.21

The Sub-Committee say that this is the appropriate outcome in this case because of the following: -

The Sub-Committee did not believe taking no action was appropriate given the seriousness of selling illegal tobacco, but it did not think that revoking the licence was proportionate in the circumstances.

The Sub-Committee realises that the breaches were over a short period of time but at the first instance there was a blatant denial that the illegal tobacco was being sold and it appears that it was only after the CCTV was accessed that the admission was made.

Furthermore, the Sub-Committee saw no need to remove the DPS given the sincerity and promises made by the Licence Holder this evening.

The Sub-Committee was unable to think of any suitable modifications to the conditions as already drafted the current conditions if complied with deal with every eventuality.

The Sub-Committee believe that people should be given the opportunity to prove themselves but if that opportunity is then thrown back in the Council's face then a harder view will be taken next time.

The Sub-Committee would ask the licencing team and trading standards to make ad hoc visits to view the CCTV over the next three months.

Right of appeal

All parties are reminded that there is a right of appeal to the local Magistrates' Court within 21 days of formal notification of this decision.

Time of commencement: 6.00 pm hours

Time of conclusion: 7.20 pm hours

Chair



Meeting:	Licensing and Enforcement Committee	Date:	14 September 2021
Subject:	Review the Hackney Carriage and Private Hire Licensing Policy and Hackney Carriage and Private Hire Licensing Procedures and Conditions Document (Gloucestershire's Common Standards Approach) Following the Published Department for Transport (DfT) – Statutory Taxi and Private Hire Standards		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
Contact Officer:	Darren Mountford, Licensing Team Leader		
	Email: darren.mountford@gloucester.gov.uk Tel: 396240		
Appendices:	Appendix 1 - Department for Transport Statutory Taxi & Private Hire Standards Appendix 2 - Draft Common Standards document for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire Appendix 3 - Comparison Document between the DfT Standards and our current policy Appendix 4 – Response from Hackney Carriage and Private Hire Driver Appendix 5 – Hackney Carriage and Private Hire Driver and Vehicle Rule Books, Private Hire Operator Rule Book and Regulatory Guidelines Rule Book.		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present the result of the consultation feedback on the draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire (following the publication of the Department for Transport (DfT) Statutory Taxi and Private Hire Standards).
- 1.2 To consider the consultation feedback and agree a final version of the Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire for adoption by the Licensing and Enforcement Committee.

2.0 Recommendations

2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that

- (1) The draft Common Standards for Hackney Carriage and Private Hire Drivers in Gloucestershire is adopted and feedback is noted by members.

And:-

- (2) The Common Standards are then incorporated into the existing Gloucester City Council Policy Conditions (Rule Books) for Hackney Carriage and Private Hire Licensing (shaded in red) to become effective from 1st October 2021 (**Appendix 5**).

3.0 Background and Key Issues

- 3.1 In July 2020, the Secretary of State for Transport issued a new set of 'Statutory Taxi and Private Hire Vehicle Standards' to Licensing Authorities aimed at safeguarding children and vulnerable adults.
- 3.2 The standards set out a range of measures to protect passengers and the Department for Transport required that each Licensing Authority reviewed their policies by January 2021 with a plan to implement the standards.
- 3.3 Licensing authorities have a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the new Statutory Standards, and are expected to publish their considerations and any changes to policies and procedures that stem from them.
- 3.4 Section 177 of the Policing and Crime Act 2017 enables the Secretary of State to issue statutory guidance to taxi and private hire licensing authorities as to how their licensing functions may be exercised for the protection of children and vulnerable individuals from harm.
- 3.5 The Department for Transport (DfT) published guidance entitled "Statutory Taxi & Private Hire Standards" and can be seen at **Appendix 1**.
- 3.6 The recommendations were designed to improve a Council's ability to:
 - (a) Check the suitability of individuals and operators to be licensed.
 - (b) Safeguard children and vulnerable adults.
 - (c) Interpret and implement the Immigration Act 2016.
 - (d) Interpret and implement Common Law Police Disclosure.
- 3.7 The DfT also recommended new conviction guidelines for the granting of driver licences and should all Council's adopt these guidelines then it would create a national standard across the industry in England and Wales. The creation of a national standard for the licensing of drivers will significantly reduce the risk of

applicants simply applying to multiple Councils until they eventually get a licence. Should all Councils adopt the same standard(s) then this will not be possible.

- 3.8 Following the publication of the DfT standards, Gloucestershire Licensing Officers Group (GLOG) which consists of all the Gloucestershire Licensing Authorities collectively felt the best approach was to work together and set up a working group to develop and produce a County wide approach.
- 3.9 This was to ensure that the same standards applied throughout Gloucestershire regarding the licensing of drivers, operators and vehicles and enabling the Council's to set up agreements with the County Council, Gloucestershire Constabulary and agree Joint Authorisations for Officers to carrying out enforcement across the County.
- 3.10 Following the publication of the DfT standards the recommended requirements were put into a draft Common Standards document for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire. This document can be seen attached at **Appendix 2**.
- 3.11 Gloucester City Council already have a high standard when it comes to the licensing of drivers, operators and vehicles. The joint document incorporates further higher standards and focuses on the safeguarding of the travelling public.
- 3.12 A comparison document between the DfT Standards and our current policy requirements is attached at **Appendix 3**.
- 3.13 It was felt by the working group that the assessment of previous convictions in the DfT document was not clear enough and would not offer adequate guidance to Members, applicants and licence holders when faced with an application or review of a licence due to convictions.
- 3.14 The Convictions policy at Appendix B of the draft County document has been written by the working group. The working group took the proposed standards in the DfT Standards document, the Institute of Licensing's 'Guidance on determining suitability of applicants and licensees in the hackney and private hire trades' and current policies from the County and drafted a widespread document so that Members have extensive guidance to make decisions. It also lays out clear guidelines to licence holders and applicants and minimises the risk of deviating from the policy and facing appeals.
- 3.15 The DfT standards do however include a number of other considerations such as CCTV in licensed vehicles and wider enforcement matters. Although not included in this consultation, the licensing authorities in Gloucestershire will, in due course, undertake further consultation on these matters.
- 3.16 At the Licensing and Enforcement Committee held on the 16 March 2021, members approved the draft Common Standards for Hackney Carriage and Private Hire Drivers in Gloucestershire for a 12 week consultation period.
- 3.17 The draft Common Standards were consulted on from 13 April 2021 to 6 July 2021
- 3.18 A consultation text message was sent to all Licensed drivers, Vehicle and Operators outlining where to see the Common Standards on the City Councils website.

- 3.19 One response was received from a member of the Hackney Carriage and Private Hire trade within the consultation period. The response was that they agreed with the adoption of the Standards in principle and mentioned that within the document it was not clear how the mandatory (safeguarding) training would be undertaken and have asked that it should be made available as an online module. The full response can be seen at **Appendix 4. Within The Common Standards it states that Safeguarding training will need to be undertaken on grant of a Hackney Carriage and Private Hire Drivers Licence and then refresher training every three years. The current safeguarding training has been face to face but went remotely during the pandemic. I will take this back to the other Gloucestershire Licensing Authorities regarding undertaking the Safeguarding training online. Most of our existing drivers undertook the Safeguarding training in 2017. It was not a condition at the time to take any refresher training. If members approve the Common Standards Gloucestershire Licensing Authorities have proposed that all existing drivers have 3 years from the effective date of the policy to undertake refresher Safeguarding training as we believe it will be a reasonable time frame.**

4.0 Social Value Considerations

- 4.1 There are no 'Social Value' implications arising out of the recommendations in this report.

5.0 Environmental Implications

- 5.1 There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

- 6.1 Members may request for further amendments to be made to the suggested revisions which they consider suitable for the Committee to consider.

7.0 Reasons for Recommendations

- 7.1 Failure to have regard to the guidance issued under Section 177 would leave the Council in breach of a legal duty to do so.
- 7.2 Although it remains the case that the Council must reach its own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the Standards without sufficient justification could be detrimental to the authority's defence.
- 7.3 The implementation of these recommendations into the existing Policy Conditions (Rule Books) for Hackney Carriage and Private Hire Licensing will improve public safety; safeguard children and vulnerable adults; and help create national standards across Gloucestershire and the industry.

8.0 Future Work and Conclusions

8.1 If members approve the draft Common Standards they will then be incorporated into the existing Gloucester City Council Policy Conditions (Rule Books) for Hackney Carriage and Private Hire Licensing. These can be seen shaded in red in **Appendix 5**

8.2 All existing drivers will be notified by way of a text message.

9.0 Financial Implications

9.1 The recommendations have no impact on the Council's budgets
(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 The Council has a legal duty, under section 177 of the Police and Crime Act 2017, to have regard for DfT recommendations.

10.2 Failure to adhere to the DfT Standards without sufficient justification could be detrimental to the authority's defence.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 The risk management implications for this report and Policies are as follows:-

- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
- Consultation inadequate.
- Not to follow the recommendations from the DfT.

12.0 People Impact Assessment (PIA):

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. therefore, a full PIA was not required

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

None



Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

Contents

	Page
1. Introduction	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards	6
3. Administering the Licensing Regime.....	8
Licensing polices	8
Duration of licences	9
Whistleblowing.....	9
Consultation at the local level	10
Changing licensing policy and requirements	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service	12
The Disclosure and Barring Service Update Service	13
Common Law Police Disclosure	13
Licensee self-reporting	13
Referrals to the Disclosure and Barring Service and the Police	14
Working with the Police	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees	17
Overseas convictions	17
5. Decision Making	19
Administration of the licensing framework	19
Training decision makers.....	19
The regulatory structure	20
Fit and proper test	21
Criminal convictions and rehabilitation	21
6. Driver Licensing	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation	24
Language proficiency	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines	28
8. Private Hire Vehicle Operator Licensing	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping	31
Use of passenger carrying vehicles (PCV) licensed drivers	31
9. Enforcing the Licensing Regime	33
Joint authorisation of enforcement officers	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions	35
Annex – Disclosure and Barring Service information	37
Annex – CCTV Guidance	38
Annex - Staying Safe: Guidance for Passengers	40

1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure 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.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities 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, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should 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;

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

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have 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 licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police**. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should 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.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

- 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

- 4.29 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. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

- 5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

- 5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.
- 5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:
- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
 - Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.
- 5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.
- 5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.
- 5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that 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 a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

- 7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

- 7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.
- 7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.
- 7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.
- 7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

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

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

- 8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

- 8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.
- 8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately
- 8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

- 8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

- 8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

- 8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

- 8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

- 8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

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

Joint authorisation of enforcement officers

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

Setting expectations and monitoring

- 9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere to and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

- 9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

- 9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.
- 9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.
- 9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. 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. The Department's view is that 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

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

Exploitation

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

Offences involving violence against the person

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

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

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

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

Dishonesty

Where an applicant 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

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.

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. 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

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

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.

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

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

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 – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1 & 2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

Contents

Introduction	2
Licensing Authorities.....	2
General Principles	2
Licensing Policies.....	2
Ancillary Policies	2
Regulatory Structure.....	3
Enforcing the Licensing Regime	3
Specific Policies & Procedures	4
Fit & Proper	4
Information Sharing	4
Criminal records checks and information	4
Licensee self-reporting.....	5
Complaints against licensees	5
Certificate of Good Character	5
Immediate suspension and revocation of licences.....	6
Hackney Carriage & Private Hire Drivers	7
Duration of licences	7
Mandatory Training	7
Language proficiency	7
Hackney Carriage & Private Hire vehicle proprietors	8
Criminality checks for vehicle proprietors	8
Private Hire Operators	9
Duration of licences	9
Criminality checks for private hire vehicle operators.....	9
Booking and dispatch staff.....	9
Record keeping	10
Appendix A - Table of Delegations.....	11
Appendix B – Relevance of Convictions Policy.....	13

Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

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Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

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?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

[Licensee self-reporting](#)

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

[Complaints against licensees](#)

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

[Certificate of Good Character](#)

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

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Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Hackney Carriage & Private Hire vehicle proprietors

Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix A.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

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Appendix A - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases

Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
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Appendix B – Relevance of Convictions Policy

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the times scales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process

- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
 17. A caution is regarded in exactly the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
 20. 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.
 21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
 26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver’s, vehicle and operator’s) and it must be understood that any convictions or other actions on the part of the

licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

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

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. 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. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent

- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. 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. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.

37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked

38. 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. A licence holder who goes on any of the above will have their licence revoked

39. Sexual/Indecency Offences include (this is not an exhaustive list)

- a. Rape
- b. Assault by penetration
- c. Offences involving children or vulnerable adults
- d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- e. Making or distributing obscene material
- f. Possession of indecent photographs depicting child pornography.
- g. Sexual assault
- h. Indecent assault
- i. Exploitation of prostitution
- j. Soliciting (kerb crawling)
- k. Making obscene / indecent telephone calls
- l. Indecent exposure
- m. Any similar offences (including attempted or conspiracy to commit) offences

40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. 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. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
 - a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. 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.
45. 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. 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. A licence holder convicted of the above will have their licence revoked

Discrimination

46. 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. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
 - a. Racially aggravated common assault
 - b. Any racially-aggravated offence against a person or property.

- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. 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.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. 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 Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. 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. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. 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. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> Breach, offence or complaint is proven to be false. Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> Complaint made by the public Minor traffic offence Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period A licensed driver who has accumulated more than 6 current points on their driving licence Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> Using an unlicensed vehicle Unlicensed driver driving a licensed vehicle Unlicensed operator Driving without valid insurance Refusing to carry a guide dog

	<ul style="list-style-type: none"> Exceeding the number of passengers on the plate
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Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take a anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

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Consultation on Draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire 2021

Comparison between Gloucester City Councils current Taxi and Private Hire Policy and the Proposed Gloucestershire Common Standards

	Topic	Current	Proposal	Impact on licence holders
1	Joint Enforcement	Gloucester City Council officers can only enforce for breaches made by licence holders licensed with Gloucester City Council	Joint authorisation of enforcement officers of the licensing authorities that have adopted these common standards	Officers from all Gloucestershire authorities will be able to enforce for breaches against the common standards and taxi and private hire legislation by any Gloucestershire licence holders
2	Delegations for Decisions	Gloucester City Council Licensing Officers are delegated to make all decisions on new applications and can suspend licences with immediate effect. Reviews of licences and revocation of a licence are dealt with by the Licensing and Enforcement Committee.	Licensing Officers to make all decisions on new applications except where there are relevant convictions. Officers to be able to suspend and revoke with immediate effect. A Licensing Committee will consider new applications with relevant convictions (except minor motoring convictions) and will continue to review existing licences where relevant	New applicants with relevant convictions will be able to present their case to a Licensing Committee. Officers will be able to take immediate action in cases where there is a public risk and there is not time to arrange a Licensing Committee.
3	Frequency of DBS Enhanced Criminal Checks	On new application and then every three years on renewal	Every six months.	Provided drivers subscribe to the update service this should not have any financial impact. Additional Officer time will be needed to undertake more frequent checks
4	Time period for licence	7 working days for convictions, cautions,	48 hours for arrest and release, charge or	No significant impact on licence holders

	holders to notify the Council of arrest, charges and offences	fixed penalties or court case pending. 3 working days if arrested.	conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	
5	How to complain Signage in vehicles	Council contact details for complaint displayed on the rear of the internal vehicle disc displayed in front windscreen	Signage to be displayed in vehicles giving guidance for passengers and how to complain and displayed where it can easily be read. Failure to display could lead to suspension and a possible review of their licence.	Licence holders will need to display an additional sign in the vehicle. There will be a cost for the sign and a holder. Likely cost is £3 to £4. The sign will only need to be replaced if the vehicle is changed
6	Immediate suspension and revocation of licences	Where there are concerns that cannot wait until the next Licensing and Enforcement Sub-Committee then the Head of Place can immediately suspend/revoke a licence.	Where there are concerns that cannot wait until the next Licensing and Enforcement Committee, Officers will be able to decide if immediate action is necessary including to suspend or revoke the licence.	This gives more reflexivity for officers to take immediate action if there is a possible public risk
7	Mandatory Training	Safeguarding was mandatory for all existing driver licence holders in 2017 and subsequently for all new applicants.	Existing licensees will be required to undertake refresher training every three years.	This is an additional cost and time commitment for existing licence holders. Likely cost of the training will be between £50 and £70. The requirement for refresher training will be within 3 years of the policy being approved due to the current economic climate.
8	Language proficiency	All new applicants must take an English Proficiency test.	All new applicants must take an English Proficiency test unless they can provide an appropriate educational certificate for a qualification related to English. English language proficiency requirements will apply to new	This places an additional criteria and a possible saving to the applicant if they have an appropriate educational certificate.

			<p>applicants from date of adoption of these standards</p> <p>Discretion to refer an existing licence holder for an assessment on a case to case basis.</p>	
9	Criminality checks for vehicle proprietors	No requirements for licensed vehicle proprietors to provide a DBS certificate	Licensed vehicle proprietors must provide an annual basic disclosure certificate from the DBS unless they are also a licensed driver.	The Cost of a basic DBS is currently £23. There is no impact on the Licensed trade as all licensed vehicle proprietors licensed by Gloucester City Council are also holders of a Council issued drivers licence.
10	Criminality checks for private hire operators	Licensed private hire operators must provide a basic disclosure check from the DBS every 1 or 5 years on renewal unless they are also a licensed driver.	Licensed private hire operators must provide an annual basic disclosure check from the DBS unless they are also a licensed driver	Small impact as nearly all licensed operators licensed by Gloucester City Council also hold a driver licence.
11	Private Hire Operator Booking and dispatch staff	No requirement for operators to make criminality checks on booking and dispatch staff.	<p>Private hire operators must have written policies and procedures in place to ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals and set out its approach on employing staff that are ex-offenders.</p> <p>Where a booking is outsourced the operator must ensure the third-party have adequate arrangements in place as outlined above.</p>	Some impact on operators who must develop policies and procedures. Basic criminal conviction disclosure cost is £23.
12	Convictions Policy	A current criminal convictions policy which most of the enhanced convictions recommendations we have already adopted	An enhanced convictions policy that adds further conviction categories and extends some of the time scales applicants are expected to be clear of	Existing licence holders may have convictions that fall in the timescales within the proposed policy. It is not reasonable that those licences should be

		and is incorporated into our current policy.	offences. It reflects the statutory standards - see separate conviction policy comparison table below	automatically be revoked. All existing licences will be considered in line with the new policy and where there is concern, they will be reviewed by the Licensing and Enforcement Sub-Committee.
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Comparison Table for Convictions Policy

Suitability of new applicants is considered in relation to the period of time that has elapsed since the conviction or sentence. Offences are grouped in categories. This table shows a summary of the current and proposed policy

Offence Category	Gloucester City Council's current Conviction Policy	Common Gloucestershire standards based on Statutory standards
Exploitation	Never	Never
Violence	10 years	All offences 10 years
Possession of Weapon	7 years	7 years
Sexual Offences	Never	Never
Dishonesty	7 years	7 years
Drugs	Supply 10 years Possession 5 years	No change
Discrimination	7 years	7 years
Motoring convictions New Applicants	Minor – isolated should not prevent a person from holding a licence but the number, type and frequency should be taken into account. Major – an isolated conviction should normally merit a warning. More than one within the last 2 years should merit refusal and no further application should be considered for a period of 7 years from convictions has elapsed.	One or more major – 10 years More than one minor - 3 years
Motoring convictions - current licence holders	Same as new Applicant	Two minor or one major up to 6 points - licence holder to complete driving assessment More than 6 points referred to a subcommittee for revocation
Drink driving or under influence of drugs	7 years since conviction	7 years since conviction or completion of any sentence or driving ban
Use of handheld device whilst driving	5 years since conviction or completion of any sentence or driving ban.	5 years since conviction or completion of any sentence or driving ban.
Hackney carriage or private hire offence	7 years	7 years

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From: Zeya Ahmed
Sent: Monday, July 5, 2021 12:01 AM
To: Licensing <Licensing@gloucester.gov.uk>
Subject: Re: Common Standards for Hackney and private hire Consultation

CAUTION: This email originates from outside the organisation. Do not click links or open attachments unless you trust the sender and know the contact is safe. Contact IT if in doubt

Hi,

This is a short response to the consultation on common standards for hackney and private hire in Gloucestershire.

I agree with the adoption of the standards in principle and I am glad it is finally happening, it is a long overdue piece of common sense.

With the mandatory training, the document is not clear on the form it should take. I am of the view that it should be available as an online set of module(s). Each applicant would have their own unique login details and can complete the training and be able to download a certificate of completion at the end. Many organisations have adopted such a method for training and it can be completed at the convenience of the individual. Such an approach should also help to down costs.

Regards,

Zeya Ahmed

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Hackney Carriage & Private Hire Regulatory Guidelines

APPROVED ~~December 2018~~ October 2021

Contents

1. Introduction

- 1.1** Powers and Duties
- 1.2** Objectives
- 1.3** Best Practice Guidance
- 1.4** Status

2. Qualifications and Requirements

- 2.1** General
- 2.2** Suitability
- 2.3** Protecting the Public
- 2.4** Convictions
- 2.5** Soft Information and Information from Other Sources
- 2.6** Options Available to the Licensing & Enforcement Committee, Licensing Sub-Committee and Council Officers
- 2.7** Each Case on its Merits

3. Guidelines on the Relevance of Convictions

4. Licensing & Enforcement Committee

- 4.1** Right to be Represented
- 4.2** Interpretation Services
- 4.4** Recommended Procedure
- 4.5** Failure to Attend
- 4.6** The Committee's Powers
- 4.7** Applicant/Licence Holder's Rights
- 4.8** Points to Note

5. Rights of Appeal

6. Complaints Investigation Procedure

7 Penalty Point System for Hackney Carriage and Private Hire Drivers

- 7.1** Policy
- 7.2** Points

8. Table of delegation

1. Introduction

1.1 Powers and Duties

Gloucester City Council has adopted the Local Government (Miscellaneous Provisions) Act 1976 (Minute 71, 23 April 1980). Through the 1976 Act and other relevant legislation the Council has a duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators. Hackney carriages are also known as taxis.

1.2 Objectives

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside “normal hours” of operation such as in the evenings or on Sundays), or provide public transport for those with mobility difficulties. In setting out its policy, the Council seeks to promote the following objectives:

- The protection of public health and safety;
- The establishment of a professional and respected hackney carriage and private hire trade;
- Access to an efficient and effective public transport service;
- The protection of the environment;
- Improve standards of service and the visibility of hackney carriages/private hire vehicles in support of the regeneration of Gloucester.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Council’s wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.

1.3 Best Practice Guidance

In formulating this policy consideration has been given to the advice contained in the ‘Taxi and Private Hire Vehicle Licensing Best Practice Guidance’ issued by the Department for Transport in ~~March 2010~~ **July 2020 and Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire** has been taken into account and ‘Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trade’.

1.4 Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and, in particular, the objectives set out above.

Notwithstanding the existence of this policy document, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy document,

clear and compelling reasons will be given for doing so. The purpose of this policy document is to formulate guidelines which detail the Council's current stance on the relevance of convictions and cautions and other relevant factors in respect of applications for the grant of new licences, disciplinary action against existing licence holders, the renewal of existing hackney carriage and private hire drivers, operators and proprietor's licences.

These policy document guidelines have been produced to assist Members of the Council's Licensing & Enforcement Committee, Licensing & Enforcement Sub-Committees and Council Officers in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current licence holders and potential applicants, with a view to minimising cost and time spent by a licence holder, an applicant and the Council.

The aim of the licensing regime to which these policy document guidelines relate is not to punish the applicant twice for an offence, where criminal action has already been taken, (which includes a conviction or caution), but to ensure that public safety is not compromised.

2 Qualifications and Requirements

2.1 General

All qualifications and requirements for applicants are set out in the respective 'Private Hire; Driver, Vehicle and Operator Rule Book' and 'Hackney Carriage; Driver and Vehicle Rule Book' available on the Council's website at www.gloucester.gov.uk or by contacting the Licensing Team on 01452 396396 or heretohelp@gloucester.gov.uk

2.2 Suitability

The Local Government (Miscellaneous Provisions) Act 1976 deals with the issue of driver suitability:

*"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence."*

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

"...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds

—
1) that he / she has, since the grant of the licence,

i) been convicted of an offence involving dishonesty, indecency or violence,

or,

ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or Part of this Act,

or,

2) any other reasonable cause.”

The wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is “**fit and proper**” – the onus is on the applicant to prove this on a balance of probabilities, NOT for the Council to demonstrate that they are not.

Whether someone is a “fit and proper person” to hold a licence is ultimately a matter of common sense. When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, vulnerable people, foreign visitors and unaccompanied property.

Some areas to consider include –

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust. *For example, any passenger would expect to be charged the correct fare for a journey and then be given the correct change; they would also expect a driver to hand in any article left by a passenger in a vehicle; and also the driver to maintain confidentiality between them and the passenger.*
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. However this does not excuse any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to their licence.
- **Health** – Drivers are expected to be both physically and mentally fit to perform their role.
- **Ability** – Both private hire and hackney carriage drivers are expected to be capable of transporting passengers to their destination in a timely manner. To this end all applicants must pass the appropriate knowledge test.

2.3 Protecting the Public (Fit and Proper)

The overriding consideration for the Members of the Licensing & Enforcement Committee, Licensing & Enforcement Sub-Committee and Council Officers is to protect the public. Having considered and applied the appropriate policy document guidelines, the following, generally accepted, question should be asked:

~~“Would you (as a member of the Licensing & Enforcement Committee, Licensing Sub-Committee or other person charged with the ability to grant a hackney carriage/private hire driver’s licence) allow your daughter or son, granddaughter or grandson, spouse, mother or father, or any other person you care for or any vulnerable person you know, to get into a vehicle with this person alone?”¹~~

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver’s licence is a ‘fit and proper’ person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

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?

If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be ‘given the benefit of doubt’. If the Licensing Sub-Committee or delegated officer is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

~~If the answer to this question is an unqualified yes, then a licence should normally be approved or allowed to continue. If there are any doubts in the minds of those making the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a fit and proper person.~~

¹ ~~Paragraph 10.45 Taxis – Licensing Law and Practice by James T. H. Button, Butterworths Third edition 2009~~

Case law also makes it clear the perception of hardship and that the impact of losing (or not being granted) a driver’s licence on the applicant and their family is not a consideration to be taken into account when deciding whether a person is a fit and proper. (Leeds City Council v Hussain [2002] EWHC 1145 (Admin). [2003] RTR 199 and Cherwell District Council v Anwar [2011] EWHC 2943 (Admin)).

2.4 Convictions

The Council will look at all past indicators (convictions, cautions, fixed penalties, motoring convictions etc) that may affect a person's suitability to hold a licence. Applicants (both new and on renewal) are required to declare all convictions, cautions and fixed penalties on their application and sign a statutory declaration to that effect. Applicants who are found to have given false information on an application form, or those existing licence holders who have failed to declare any relevant fact may have their licence suspended or revoked.

2.5 Soft information and information from other sources

The Council may receive soft information from other agencies or via complaints made from members of the public. This information will be considered in cases where it calls into question an applicant or licence holder's ability to meet the "fit and proper person" test.

2.6 Options available to the Licensing & Enforcement Committee, Licensing & Enforcement Sub Committee and Council Officers

When determining an application or reviewing a licence holders' suitability to hold a licence the Members of the Committee, Sub-Committee or Council Officer making the decision will have the following options:

- To approve the licence / take no action.
- To impose additional conditions on the licence.
 - *This action may be taken with regard to either new applications or existing licence holders.*
- To give a written warning.
- To refuse/revoke the licence.
- For existing licence holders - to suspend the licence
 - *Suspension can be used where serious concerns are raised over the suitability of an individual to hold a licence. In this instance, on the balance of probabilities, the licence holder is not a "fit and proper person" but may become so at a later date. This may either be through an action they may take, such as in the case of a driver undergoing a further medical examination, or by demonstrating a satisfactory standard of driving by successfully undertaking a Driving Standards Agency Test. Any action required of the licence holder would be specified on the notice of suspension.*

In the interests of ensuring the safety of the travelling public the Members of the Licensing & Enforcement Committee, Licensing & Enforcement Sub-Committee and Council Officers will take any action they deem appropriate depending on the merits of the individual case. This may include requiring an applicant or licence holder to undergo any further examination or test (at their expense) as they deem fit, and in the case of an existing licence holder, suspending their licence pending the outcome of any such examination or test. In cases where licences are suspended or

conditions imposed a right of appeal is available as detailed at section 5 of this document.

2.7 Each case on its merits

The test that must be applied is that on the balance of probabilities, is the licence holder or applicant a fit and proper person to hold a licence. Or in other words, would the safety of the travelling public be put at risk if the applicant/licence holder was permitted to retain or obtain a licence.

When reaching a decision each case will be treated on its merits. Factors that may be considered include:

- Any offences, cautions of fixed penalties received. When considering an offence the Council may also consider the following:
 - Details of the offence.
 - Severity of the sentence imposed,
 - Nature of the sentence imposed i.e. did the sentence aim to reform the individual such as a drink driving course or community service order.
 - The Court that tried the offence i.e. was it an offence that could have been heard in a Magistrates' Court but was referred to Crown Court due to the particular circumstances of the offence or did the offender elect for Crown Court trial, as of right.
 - Any history of good conduct since the offence, or character references from credible persons/agencies involved **(these must be supplied by the applicant/licence holder)**.
- Any representations made, or supporting information provided by the applicant, including evidence from witnesses.
- Gloucester City Council's policy on the relevance of convictions.
- The licence holder's rights under the European Convention on Human Rights.
- Any complaints made against the licence holder.
- The licence holder's actions following any complaint/offence.
- Any breach of licence conditions or Council policy.
- Any warning letters issued to the licence holder.
- Any penalty points received under the Council's penalty point system
- Any other relevant information.

It is for the applicant, or existing licence holder (if under review) to prove they are a "fit and proper person" to hold a licence. **Any supporting information that may help their case must be produced to the Council in order for it to be considered.**

3 Guidelines on the relevance of convictions (Relevance of Convictions Policy)

~~The Council's policy on the relevance of convictions, cautions and fixed penalties is as follows (the following policy applies to new applicants and existing licence holders):~~

~~Any changes in legislation will be dealt with as appropriate.~~

3.1 ~~Each case will be decided on its own merits.~~

~~The overriding consideration must be the safety of the public. The council has a duty to ensure so far as is possible that all applicants and licence holders are fit and proper persons to do so.~~

3.2 ~~A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain:~~

- ~~(a) Free of convictions for an appropriate period, and~~
- ~~(b) Show evidence of good character from the time of the conviction. Simply remaining free of conviction does not necessarily provide sufficient evidence of good character.~~

~~Discretion would be appropriate where an offence is an isolated one and there are mitigating circumstances. Multiple offences or a series of offences over a period of time would give greater cause for concern and may give indications of a pattern of criminal behaviour which would need to be taken into account.~~

3.3 ~~The following examples afford a general guide on the action that will be taken in relation to applicants with the following convictions:~~

(a) Minor Traffic Offences

~~Isolated convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, etc., should not prevent a person from proceeding with an application. However the number, type and frequency of the type of offence should be taken into account. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Drivers Licence may be granted after its restoration but a warning should be issued as to future conduct.~~

(b) Major Traffic Offences

~~An isolated conviction for a major traffic offence should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 ~~7~~ years free from convictions has elapsed.~~

The following traffic offences are considered to be major:

- ~~AC10~~ Failing to stop after an accident
- ~~AC20~~ Failing to give particulars or to report an accident within 24 hours
- ~~AC30~~ Undefined accident offences
- ~~BA10~~ Driving while disqualified by order of court
- ~~BA20~~ Attempting to drive while disqualified by order of court
- ~~BA40~~ Causing death by driving while disqualified
- ~~BA60~~ Causing serious injury by driving while disqualified
- ~~CD10~~ Driving without due care and attention
- ~~CD20~~ Driving without reasonable consideration for other road users
- ~~CD30~~ Driving without due care and attention or without reasonable consideration for other road users
- ~~CD40~~ Causing death through careless driving when unfit through drink
- ~~CD50~~ Causing death by careless driving when unfit through drugs
- ~~CD60~~ Causing death by careless driving with alcohol level above the limit
- ~~CD70~~ Causing death by careless driving then failing to supply a specimen for analysis
- ~~CD80~~ Causing death by careless or inconsiderate driving
- ~~CD90~~ Causing death by driving: unlicensed, disqualified or uninsured drivers
- ~~DD10~~ Causing serious injury by dangerous driving
- ~~DD40~~ Dangerous Driving
- ~~DD60~~ Manslaughter or culpable homicide while driving a vehicle
- ~~DD80~~ Causing death by dangerous driving
- ~~DD90~~ Furious driving
- ~~DR10~~ Driving or attempting to drive with alcohol level above the limit
- ~~DR20~~ Driving or attempting to drive while unfit through drink
- ~~DR30~~ Driving or attempting to drive then failing to supply a specimen for Analysis
- ~~DR31~~ Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- ~~DR40~~ In charge of a vehicle while alcohol level above limit
- ~~DR50~~ In charge of a vehicle while unfit through drink
- ~~DR60~~ Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- ~~DR61~~ Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
- ~~DR70~~ Failing to provide specimen for breath test
- ~~DR80~~ Driving or attempting to drive when unfit through drugs
- ~~DR90~~ In charge of a vehicle when unfit through drugs
- ~~DG10~~ Driving or attempting to drive with drug level above the specified limit.
- ~~DG40~~ In charge of a vehicle while drug level above specified limit
- ~~DG60~~ Causing death by careless driving with drug level above the limit
- ~~IN10~~ Using a vehicle uninsured against third party risks
- ~~LC20~~ Driving otherwise than in accordance with a licence
- ~~LC30~~ Driving after making false declaration about fitness when applying for a licence

~~LC40~~ Driving a vehicle having failed to notify a disability
~~LC50~~ Driving after a licence has been revoked or refused on medical grounds
~~MS10~~ Leaving a vehicle in a dangerous position
~~MS20~~ Unlawful pillion riding
~~MS30~~ Play street offences
~~MS50~~ Motor racing on the highway
~~MS60~~ Offences not covered by other codes
~~MS70~~ Driving with uncorrected defective eyesight
~~MS80~~ Refusing to submit to an eyesight test
~~MS90~~ Failure to give information as to identity of driver etc
~~MW10~~ Contravention of special roads regulations (excluding speed limits)
~~PC10~~ Undefined contravention of pedestrian crossing regulations
~~PC20~~ Contravention of pedestrian crossing regulations with moving vehicle
~~PC30~~ Contravention of pedestrian crossing regulations with stationary vehicle
~~UT50~~ Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring
 Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

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

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

(i) — Hybrid Traffic Offences

Hybrid Offences are borderline of being considered major Offences depending on how many points are obtained. Offences of the type listed below will be treated as major traffic offences if four or more penalty points were imposed for the offence.

~~CU10~~ Using vehicle with defective brakes
~~CU20~~ Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
~~CU30~~ Using a vehicle with defective tyre(s)
~~CU40~~ Using a vehicle with defective steering
~~CU50~~ Causing or likely to cause danger by reason of load or passengers
~~CU80~~ Using a mobile phone while driving a motor vehicle
~~SP10~~ Exceeding goods vehicle speed limit
~~SP20~~ Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
~~SP30~~ Exceeding statutory speed limit on a public road
~~SP40~~ Exceeding passenger vehicle speed limits
~~SP50~~ Exceeding speed limit on a motorway
~~SP60~~ Undefined speed limit offence

Aiding, abetting, counselling or procuring

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

~~Causing or permitting~~

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

~~Inciting~~

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

~~**(c) Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**~~

~~Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.~~

~~Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed.~~

~~**(d) Drugs**~~

~~An applicant or existing licence holder with a 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 free of convictions before an application or re-application is entertained, or 5 years after detoxification treatment if he/she was an addict.~~

~~Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence holder will not be granted until at least 5 years have elapsed since completion of any sentence imposed.~~

~~The nature, quantity and class of drugs will be taken into account. Each case will be considered on its own merit.~~

~~**(e) Sex and Indecency Offences**~~

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

~~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 any 'barred' list.~~

~~**(i) Exploitation**~~

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

~~(f) — Offences involving Violence~~

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

~~(i) — Crimes resulting in death~~

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

~~(ii) — Possession of a weapon~~

~~Where an applicant has a conviction for possession of a weapon or any weapon related offence, a licence will not be granted unless at least 7 years have elapsed since the completion of any sentence.~~

~~(g) — Dishonesty~~

~~Hackney carriage and private hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.~~

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

~~Any dishonesty by any applicant or the other person on the applicants behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.~~

~~(h) — Hackney Carriage and Private Hire Offences~~

~~Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use),~~

~~a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.~~

~~(i) — Vehicle construction of use offences~~

~~Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages or Private Hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.~~

~~(j) — Offences of Discrimination~~

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

~~(k) — Other Miscellaneous Offences~~

~~These could include local authority offences, byelaw offences, nuisance offences etc. which although may not be directly relevant to hackney carriage and private hire licensing would demonstrate a feckless or irresponsible attitude and should not be discounted lightly. Each case would need to be assessed on an individual basis and although they may not necessarily debar an applicant from receiving a licence a strict warning should be given.~~

~~(l) — Spent Convictions~~

~~The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that full consideration for determining the application cannot be given except by admitting or requiring evidence relating to that spent conviction.~~

~~(m) — Cautions and Endorsable Fixed Penalties~~

~~For the purposes of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.~~

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other

offences the policy gives the times scales that it is expected will have elapsed since the conviction before an application will be granted.

3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.

9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services

- Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
 17. A caution is regarded in exactly the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
 20. 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.
 21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

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

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children,

young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.

34. 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. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. 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. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. 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. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration

- c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences
40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. 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. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
- a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. 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.
45. 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. 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. A licence holder convicted of the above will have their licence revoked

Discrimination

46. 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. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
- a. Racially aggravated common assault
 - b. Any racially-aggravated offence against a person or property.
 - c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
 - d. Offences under Equality Act 2010
 - e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. 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.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>

50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. 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 Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. 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. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. 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. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four

years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

4. Licensing & Enforcement Committee and Licensing & Enforcement Sub-Committee

Applicants or existing drivers may be referred to the Licensing & Enforcement Committee or Licensing & Enforcement Sub-Committee for their application/suitability to be considered. The Sub-Committee panel consists a minimum of three to a maximum of seven members. Prior to a hearing the licence holder or applicant will be advised of the date, time and place of the hearing and of their right to attend and be represented should they wish. A copy of the committee report will be supplied to them prior to the hearing.

4.1 Right to be Represented

Applicants or licence holders are entitled to be represented at a Committee hearing. Any such representative does not need to be legally trained. However should an applicant/licence holder decide to use a representative who is not legally trained they do so at their own risk. Given, in the case of an existing licence holder, their livelihood may be at stake the Council would recommend that any person going before a Committee gives serious consideration to seeking legal representation or advice.

Non-legal representatives may give character references of the applicant. Written character references will also be accepted.

4.2 Interpretation Services

Interpretation services are available for Committee hearings. If an applicant or licence holder requires this service they should advise the Officer dealing with their case of the required language at their earliest convenience in order for the necessary arrangements to be made.

An applicant/licence holder may provide their own interpreter. The Council will accept any such representative and assume they are fully qualified to perform the role.

4.3 Exclusion of the Public

In view of the nature of any such hearing and the personal facts that may emerge, the hearing will be conducted with the press and public excluded. Pursuant to Section 100A(4) of the Local Government Act 1972 (as amended), the public would be excluded on the grounds that the matter involves the likely disclosure of exempt information as defined in Section 100 of the Local Government Act 1972 (as amended). Only those permitted by the applicant or licence holder will be allowed to remain in the room.

4.4 Recommended Procedure

The Chair of the Committee will open the hearing stressing the Committee's independence and outlining the procedures which will be followed. The Committee can regulate the conduct of the hearing as it wishes, so long as it is acting fairly and reasonably to the parties thereto.

The recommended committee procedure is as follows:

- i. The Council's report is presented by the Group Manager, Environmental Health and Regulatory Services or other authorised Officer.
- ii. The Officer is questioned by the applicant/licence holder (or representative) and then by Members of the Committee if any points need clarification.
- iii. The Chair invites the applicant/licence holder (or representative) to present his case.
- iv. The applicant/licence holder (or representative) can be questioned by the Council's Officers and/or Members if any points need clarification. Even if represented, the applicant/licence holder can be asked questions directly.
- v. Any party may call witnesses of fact or character, who may be questioned by the other party and the Committee. Details should be disclosed at the earliest opportunity and 7 days prior to the Committee, if possible, to the other party and Members.
- vi. Written evidence should be disclosed at the earliest opportunity and 7 days prior to the Committee if possible, to the other party and the Members.
- vii. Each side must be given the opportunity to sum up if they so wish, the applicant/licence holder (or representative) speaking last.
- viii. At the conclusion of the case the Chair will request all parties (with the exception of the Council's Legal Officer and Democratic Services Officer) to leave the room while the Committee deliberates. Alternatively, the Committee may retire to a separate room, if more convenient.
- ix. When the Committee has reached its decision, all parties will be invited to return to be informed of the decision.

- x. The decision will later be confirmed in writing and will include a statement of reasons for reaching that decision.

4.5 Failure to Attend

If the applicant/licence holder does not attend the hearing at the appointed time and day then the Committee can continue and consider the matter without the applicant/licence holder's presence. In such cases this will be conducted on the basis of the evidence provided by the Officer, together with any written comments received from the applicant/licence holder concerned.

4.6 The Committee's Powers

The committee has the following powers:

- i. To approve the licence / take no action;
- ii. To impose additional conditions on the licence;
- iii. To give a written warning;
- iv. To refuse / revoke the licence;
- v. For existing licence holders – to suspend the licence (pending a suitable outcome to be determined by the Committee)

4.7 Applicants/Licence Holders Rights

The applicant of licence holder has the following rights:

- i. To take legal advice at any time.
- ii. To be represented by a Solicitor or other representative during any part of the procedure. Applicant/licence holder to be responsible for all costs arising from such representation.
- iii. To produce all relevant evidence in respect of his case. However, such evidence must be disclosed to the Head of Legal Services at least 7 working days, if possible, prior to the hearing.
- iv. To ask questions of the Committee or Officers.
- v. To appeal to the appropriate Court against any decision to refuse, suspend or revoke a licence or against a licence condition.

4.8 Points to Note

- i. The Group Manager, Legal and Democratic Services, or other authorised Officer, will act as Clerk to the Committee and provide advice when needed on matters which may be raised of a legal or procedural nature, either during the hearing or before the Committee's decision is announced.

- ii. Both sides must be given every reasonable opportunity to present their case.
- iii. In order to assist the applicant/licence holder to present his case, there should be no excessive formality about the hearing. The atmosphere should be such as to bring out all of the facts to enable the Committee to make a reasoned decision.
- iv. The Committee must not only act but must be seen to act fairly and impartially. The Committee will be acting in quasi judicial manner and must consider only the evidence which is put before it. The Committee must act reasonably on the basis of the evidence and not take into account extraneous or irrelevant facts.
- v. Applicants/licence holders must be made aware that the hearing may take a number of hours to complete and should be prepared to wait until the completion of the case before leaving. It may be that the Committee will be considering other business and several matters may be heard on the same day. This could result in several hours wait for an applicant/licence holder.

5. Rights of Appeal

In all cases where the Council:

- Refuses an application
- Refuses to renew a licence
- Suspends a licence
- Revokes a licence, or
- Imposes conditions on a licence,

the applicant or licence holder will be notified of the decision in writing, such notification will include full reasons for the decision. In any such case the applicant or licence holder will have the right of appeal to the Magistrates' or Crown Court (as appropriate). Any such appeal must be made with 21 days of receiving written notification of the Council's decision.

6. ~~Complaints Investigation Procedure~~ **Enforcement and Complaints Policy & Procedure**

~~6.1 When a complaint is lodged about any alleged improper activity on the part of a proprietor/operator or driver, a signed written statement shall be sought from the complainant. The statement shall include all relevant information in particular clearly identifying the licensee, his car and/or plate number, date, time and place of the alleged incident, and the name(s) and address(es) of any witnesses.~~

~~Complaints of a minor nature may be dealt with by telephone or visit. All complaints of a serious nature will be investigated.~~

- ~~6.2 Upon receipt of the written complaint, the substance thereof shall forthwith be sent to the licensee against whom the complaint is made, who shall be invited to submit a written statement answering the allegation made.~~
- ~~6.3 If the person about whom a complaint is made, has not responded to the invitation within 7 days of being so invited, then a reminder shall be sent, but after a further 7 days the complaint may be dealt with without further reference to him/her.~~
- ~~6.4 If on receipt of the licensee's reply, it appears that there is substance in the complaint, the parties involved shall be interviewed.~~
- ~~6.5 The City Improvement and Environment Manager, upon examination of all the information available shall decide which of the following courses of action he/she considers appropriate:~~
- ~~• To take no action,~~
 - ~~• To impose additional conditions on the licence,~~
 - ~~• To give a written warning,~~
 - ~~• To revoke the licence, or~~
 - ~~• To suspend the licence~~
- ~~6.6 Any written warnings shall be expunged from the licensee's record upon the expiry of 12 months following the date of issue.~~

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified, Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage and Private Hire legislation the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage and Private Hire legislation that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none">• Breach, offence or complaint is proven to be false.• Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none">• Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none">• Complaint made by the public• Minor traffic offence• Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none">• Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none">• Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective

	<ul style="list-style-type: none"> • Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations • Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> • Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> • A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> • A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation • A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk • A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period • A licensed driver who has accumulated more than 6 current points on their driving licence • Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> • Using an unlicensed vehicle • Unlicensed driver driving a licensed vehicle • Unlicensed operator • Driving without valid insurance • Refusing to carry a guide dog • Exceeding the number of passengers on the plate

Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning

- Requirement to take action within a time period for example recommendation to take an anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

7. Penalty Point System for Hackney Carriage and Private Hire Drivers

Gloucester City Council operates a Penalty Points system, which is designed to support the aims and objectives of the Council in that all operators, drivers and vehicle proprietors maintain the high standards required of them at all times.

The aim of the penalty point system is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of a licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

A driver or operator accumulating more than 12 points in any rolling 12 month period will be referred to the Licensing & Enforcement Sub-Committee of the City Council for consideration of disciplinary action.

7.1 Policy

The Penalty Points Scheme operates as follows:

The City Council's Enforcement Policy will be fully considered by the Licensing & Enforcement Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this policy. Where the policy allows a range of points for a particular incident, the Licensing & Enforcement Officer will determine the appropriate number of points proportionate to the offence.

Before any penalty points are issued, there must be sufficient evidence to prove the offence or breach of licensing requirements.

Points issued to a licence holder will be confirmed, in writing, within 21 working days. Any appeal should be submitted, in writing, within 21 working days to the City Centre Improvement Officer (Licensing Lead) at the following address:

Licensing Team
PO Box 3252
Gloucester
GL1 9FW

Or via email to licensing@gloucester.gov.uk

If after considering any such appeal the Licensing Team Leader determines that the points issued were done so as a result of a valid complaint then they will have the discretion to award a greater number of points than displayed on the tariff.

When issued, penalty points will remain 'live' for a rolling 12 month period.

A maximum of 12 penalty points will be issued on any one occasion, which will result in an immediate referral to the Licensing & Enforcement Sub-Committee. However, the Sub-Committee will be advised of the extent of the offences, should they have potentially attracted a higher points total.

If a licence holder accumulates 12 or more points in any rolling 12 month period, they will be required to attend a disciplinary hearing with the Licensing & Enforcement Sub-Committee, for the appropriate action to be taken in accordance with this policy.

Where a licence holder or applicant is brought or appears before a Licensing & Enforcement Sub-Committee, the Committee will have all options detailed at section 2.6 of this document available to them.

Licence holders and applicants retain the right to be represented, legally or otherwise at any Licensing & Enforcement Committee or Licensing & Enforcement Sub-Committee meeting and to state any mitigating circumstances they deem necessary. It is strongly recommended that any licence holder or applicant before the committee reads all relevant sections of this document prior to the hearing in order that they are fully aware of their rights and the committee's powers.

The penalty points system will operate without prejudice to the Council's ability to take other action under other appropriate legislation.

Licensing and Enforcement Officers may award half of the maximum points on a first offence, unless it is a legal Offence under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 where maximum points will be awarded.

7.2 Points

Points may be awarded for the following offences/breaches of conditions:

	Offence/Breach of Condition	Maximum* Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application or renewal, or failing to provide any relevant information.	12	X	X
2	Carrying more passengers than stated on vehicle licence	12	X	
3	Failure to display vehicle licence plates	4	X	X
4	Failure to wear drivers badge	4	X	
5	Failure to display tariff card where meter installed	4	X	X
6	Failure to maintain tyres, lights, wipers, exhaust, bodywork etc in good order. (multiple points may be awarded for a number of breaches i.e. more than one bald tyre)	6	X	X
7	Failure to display roof sign (HCV only)	4	X	X
8	Failure to carry working fire extinguisher of correct type and size	4	X	X
9	Failure to carry adequate first aid kit	4	X	X
10	Unsatisfactory condition of vehicle, interior or exterior	4	X	X
11	Failure to display bus lane stickers (PHV only)	4	X	X
12	Displaying unauthorised signs	4	X	X
13	Changes to specification, design or appearance of a vehicle without prior approval	4	X	X
14	Failure to notify of change of address in writing within seven days	4	X	X
15	Failure to notify of any caution, conviction or fixed penalty within seven days of being formally notified of any such charge or/and of conviction	6	X	X
16	Refusing to carry assistance dog without requisite exemption	12	X	
17	Refusing to take a fare without reasonable cause	12	X	X
18	Charging more than the agreed or metered fare	6	X	X
19	Failure to notify of change in medical circumstances	12	X	
20	Smoking in a licensed vehicle this also	6	X	X

	includes E-Cigarettes, E-Liquid and any vaping products.			
21	Failure to pay a Fixed Penalty Notice for smoking in a licensed vehicle	4	X	X
22	Unreasonable prolongation of journey or any misconduct regarding the charging of fares	6	X	
23	Private hire driver plying for hire	12	X	
24	Using unlicensed vehicle	12	X	X
25	Failure to produce a 6 monthly vehicle inspection	6		X
26	Failure to produce vehicle for testing or inspection when required/requested	6		X
27	Failure to notify of an accident within 72 hours (where accident causes damage to vehicle materially affecting safety, performance or appearance of vehicle)	4		X
28	Carrying an offensive weapon in vehicle	12	X	
29	Failure to notify of a transfer of ownership of licensed vehicle	4		X
30	Obstruction of authorised officer or police officer	12	X	X
31	Displaying any feature on a private hire vehicle that suggests it is a hackney carriage vehicle (taxi)	6	X	X
32	Using a vehicle the appearance of which suggests that it is a taxi	6	X	X
33	Failure to meet standards of dress or appearance	4	X	
34	Unsatisfactory behaviour or conduct to customers, other road users, Licensing and Enforcement Officers and elected members.	12	X	X
35	Failure to issue receipt on request	12	X	X
36	Failure to provide reasonable assistance with loading/unloading of luggage	12	X	
37	Failure to offer reasonable assistance to passengers with a disability	12	X	
38	Failure to attend punctually at appointed time and place without reasonable cause	4	X	X
39	Any other reasonable cause	6	X	X
40	Failure to produce any relevant document within timescale on request	6	X	X
41	Failure to produce or allow inspection of records (operator)	6		X
42	Failure to keep records in prescribed form (operator)	4		X
43	Failure to honour booking without just	4		X

	cause			
44	Misleading use of the words 'Taxi' or 'Cab' on advertising materials for private hire	4		X
45	Driving whilst using a mobile phone eg making a call or texting when not using blue tooth or hands free	12	X	
46	Must comply with all traffic regulations and legislation in force	6	X	X
47	Leaving a Hackney Carriage Vehicle unattended on a designated rank longer than 15 minutes	6	X	
48	Leaving your vehicle unattended on a double yellow area, waiting or stopping on a bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	6	X	X
49	Failure to behave in a civil and orderly manner.	6	X	X
50	Issues of cleanliness of interior or exterior of vehicle	3	X	X
51	Seats not cushioned or covered properly	3	X	X
52	A private hire vehicle waiting or entering a designated Hackney Carriage rank	12	X	X
53	Failure to display approved door signs	6	X	X
54	Leaving your Hackney Carriage or Private Hire Vehicle idling	6	X	X

Crosses indicate the potential recipients of penalty points for infringements. Certain infringements may result in both drivers, proprietors or operators receiving penalty points. Points can be awarded to one or several persons depending upon the nature of the infringement however each case will be determined on its own merits.

Certain matters are specific to certain types of licence.

*by Officers. If the matter is referred to the Licensing & Enforcement Sub-Committee they may impose any number of points they deem necessary.

8 Table of delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases

Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
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Hackney Carriage Driver and Vehicle Rule Book

APPROVED ~~December 2018~~ October 2021

INDEX

Paragraph No.

1. Drivers Licences	1
New Applications	1.1
Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK	1.6
Renewal Applications	1.7
2. Vehicle Licences	2
New Applications	2.2
Renewal Applications	2.3
Transfer Of Ownership Applications	2.6
Change of Vehicle Applications	2.7
Change of Registration of Vehicle Applications	2.8
3. General Conditions	3
Delegated powers	3.1
Alteration of Existing Conditions	3.4
Disciplinary Action	3.5
Complaints Procedure	3.8
Penalty Points System	3.9
Drivers	
Duration of Licence	3.11
Medical Criteria	3.12
Requirement to Return Drivers Badge	3.14
Notification of Changes	3.15
Convictions, Cautions and Fixed Penalties	3.17
Code of Conduct	3.18
Lost Property	3.19
National Register of Taxi Licence Refusals and Revocations Drivers (NR3)	3.21
Vehicles	
General	3.22
Vehicle Age and Testing	3.36
Colour of Vehicle	3.37
Seat Dimensions	3.38
Fire Extinguisher and First Aid Kit	3.40
CCTV Systems	3.41
Luggage	3.42
Seatbelts	3.45
Meters and Fares	3.46
Tariff Card	3.49
Vehicle Licence Plates	3.50
Roof Signs	3.54
Door Panels	3.56
Advertising	3.58
Stretched Limousines	3.59
Horse-Drawn Hackney Carriages	3.60

Criminality Checks for Vehicle Proprietors	3.62
Complaints against licensees	3.63

INDEX	Paragraph No.
4. Other Legislation	4
Number of Passengers Permitted	4.1
Licensed Drivers	4.3
Change of Details	4.4
Notification of Accidents	4.5
Smokefree Legislation	4.6
Seatbelt Legislation	4.8
Sale of Alcohol	4.10
Guide Dogs	4.11
5. Glossary of Terms	5
Controlled District	5.1
DFT	5.2
DVLA	5.3
Enhanced Disclosure and Barring Service	5.4
Hackney Carriage / Taxi	5.5
Taxi Rank / Stand	5.6
ISA	5.7
Knowledge Test	5.8
Licensing Authority	5.9
Licensing Authority Vehicle Test Certificate	5.10
Licensing Officer	5.11
London Type Hackney Carriage	5.12
Medical (Group 2)	5.13
Premises Licence	5.14
Single Vehicle Approval Certificate	5.15
Temporary Event Notice	5.16
DVSA	5.17
6. Facilities for the Disabled	6

GLOUCESTER CITY COUNCIL

HACKNEY CARRIAGE RULE BOOK

1. Drivers Licences

New Applications

1.1 A The applicant must have been the holder of a valid driving licence (NOT being a provisional licence) authorising him/her to drive a motor car in the UK for at least 12 continuous months, immediately prior to the date of application.

~~**B** Licensed drivers must be able to communicate effectively with customers, Police or authorised officers and other road users. The applicant is expected to have a good command of the English language, both verbal and written and will be required to undertake an English proficiency test as approved by the Council and achieve a satisfactory score.~~

1.2 The applicant must be 21 years of age or over.

1.3 An application will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person to hold a Hackney Carriage licence.

1.4 Applicants for new licenses should have no more than three current penalty points on their DVLA licence.

1.5 To make an application, the applicant must:

- A.** complete and submit to the Licensing Authority the appropriate application form
- B.** pay the appropriate fee
- C.** Take a photograph at the Council offices upon application as follows:
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs
- D.** produce for examination a current valid DVLA driving licence, photo card or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check code must be generated and provided on the application form.
- E.** Provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service prior to licensing with the Council. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information. In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

The Licensing Authority will conduct 6 monthly checks automatically.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription

lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

~~All applicants must sign up to the DBS online update service. If you've not yet applied for a DBS check, you can register for the update service using your application reference number (the 'form ref' on your application form). DBS must receive your application form within 28 days.~~

~~If you've already applied, you can register for the update service using your DBS certificate number. You must do this within 30 days of the certificate being issued.~~

- F. provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old on initial application.
- G. provide evidence of successful completion of the Driving Assessment for Hackney Carriage and Private Hire vehicles from the Council's approved list which are currently Diamond Advance Test, Green Penny or The Blue Lamp Trust (this needs to be the pass certificate and not the booking form) or equivalent driving test as approved by the Council. If it is your intention to drive a wheelchair accessible vehicle then you would need to complete the enhanced driving assessment as this includes the wheelchair exercise or equivalent wheelchair accessible driving test as approved by the Council. If you have completed the enhanced driving assessment then you would need to produce both pass certificates. (Please note you will be required to take the Driving Assessment every ten years).
- H. applicant must pass the Hackney Carriage Knowledge Test as set out by the Licensing Authority.
- I. Provide Safeguarding Awareness training certificate (as specified by Gloucester City Council). Refresher training will have to be undertaken every three years.
- J. A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.
- K. Undertake the English proficiency test as approved by the Council and achieve a satisfactory score unless the applicant can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If applicants are unable to provide such a certificate, or if the Licensing Officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test. English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation.

Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

- 1.6 Applicants are required to notify the Licensing Authority of any convictions, cautions, fixed penalties or pending court cases during the application process (i.e. the time between the application being submitted and the licence being granted)

Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK

- 1.7 The Licensing Authority must be satisfied that the applicant is a fit and proper person. In order to determine this, an applicant who is a foreign national or has resided outside of the UK must also do the following:
- A. complete an enhanced Disclosure and Barring Service application form (as detailed in the new applicant section above). To complete this application, the applicant must provide all addresses for the past 5 years including any addresses that are outside of the UK. The enhanced criminal record disclosure will show any convictions that have been committed in the UK.
 - ~~B. in addition to the enhanced Disclosure and Barring Service application, the applicant must provide the Licensing Authority with a criminal record check from all countries outside of the UK that they have resided in from the age of 18 or, if those countries do not provide such information, a certificate of good conduct from the Embassy or Diplomatic Mission from all countries that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs incurred to obtain such certification must be paid for by the applicant.~~

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident. Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> will assist you further in obtaining this document.

- C. the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK. If the applicant has an exchangeable drivers licence for a non-EU/EEA designated country they need to convert it to a GB DVLA Licence prior to applying for a Hackney Carriage Drivers Licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Hackney Carriage Drivers Licence.
- D. an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

- E. Applications will not be accepted from foreign nationals that hold a Student Visa.

Renewal Applications

- 1.8** A renewal application must be completed prior to the expiry date of the Hackney Carriage driver's licence. Drivers will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage driver's licence. A Licence can be renewed up to one month before the current expiry date and the new licence will be post dated to the expiry date.
- 1.9** A licence will not be renewed without all supporting documentation being received. A Licence renewed after the expiry date will run from the date the new licence is issued. The period from expiry to actual renewal date will be unlicensed, and the driver may not drive a licensed vehicle during these periods.
- 1.10** To make a renewal application, the applicant must:
- A. complete and submit to the Licensing Authority the appropriate renewal application form.
 - B. pay the appropriate fee.
 - C. Take a photograph at the Council offices upon application as follows:
 - Be taken against a light background so that the applicant's features are distinguishable and contrast against the background.
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
 - D. produce for examination a current valid DVLA driving licence, photo card or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check code must be generated and provided on the application form.
 - E. ~~complete an enhanced Disclosure and Barring Service application form and provide appropriate identity documentation where appropriate.~~ The Licensing Authority will conduct 6 monthly DBS checks automatically. You must provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.
 - F. if appropriate, provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old from the date of renewal,
 - G. an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

- H. All existing licence holders must attend refresher training every 3 years. Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed. Licence holders who were licensed before this policy came into effect have 3 years to undertake the refresher training.

2. Vehicle Licences

- 2.1 Gloucester City Council does not grant a Hackney Carriage and Private Hire vehicle licence for any vehicle that is already licensed by another authority.

New Applications

- 2.2 To make an application the applicant must:

- A. complete and submit to the Licensing Authority the appropriate application form.
- B. pay the appropriate fee.
- C. Provide proof of ownership, for example bill of sale, i.e. receipt for the money paid for the vehicle, invoice for the vehicle or hire purchase agreement in applicants' name.
- D. Produce a V5 Registration document (or new keepers supplement).
- E. produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- F. produce a current MOT certificate (unless the vehicle is less than 1 year old).
- G. produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- H. produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- I. A Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.

Renewal Applications

- 2.3 A renewal application must be completed prior to the expiry date of the Hackney Carriage vehicle licence. Drivers will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date. If the vehicle then does not meet any of the conditions in particular the age criteria then the vehicle will not be relicensed. It is an offence to drive a Hackney Carriage without the appropriate Hackney Carriage vehicle licence. A Licence can be renewed up to 1 month before the current expiry and the new licence will be post dated to the expiry date.
- 2.4 A Licence will not be renewed without all supporting documentation being received. An application to renew a licence that is submitted before expiry date but does not have all the supporting documentation will not be renewed, the licence will not be issued until such time that all documentation has been received. The period from expiry to actual issue date will be unlicensed, and the vehicle may not be used for Hackney Carriage purposes.
- 2.5 To make a renewal application the applicant must:
 - A. complete and submit to the Licensing Authority the appropriate renewal application form.

- B. pay the appropriate fee.
- C. produce a V5 registration certificate in the applicants name.
- D. produce an appropriate insurance certificate or cover note for Hackney Carriage purposes (public hire) in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- E. produce a current MOT certificate and advisory notice if applicable.
- F. produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
- G. produce proof of a meter inspection certificate from date of application.
- H. **Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.**

Transfer of Ownership Applications

2.6 To make a transfer application the applicant must:

- A. complete and submit to the Licensing Authority the appropriate transfer application form.
- B. pay the appropriate fee.
- C. Produce a letter from the previous owner stating that they are no longer using the vehicle as a Hackney Carriage vehicle.
- D. Produce a V5 Registration document (or new keepers supplement).
- E. produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- F. produce a current MOT certificate and advisory notice if applicable.
- G. produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- H. **Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.**

Change of Vehicle Applications

2.7 To make a change of vehicle application the applicant must:

- A. complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- B. pay the appropriate fee.
- C. provide proof of ownership, for example bill of sale, i.e receipt for the money paid for the vehicle, invoice for the vehicle or hire purchase agreement in applicants' name.
- D. produce a V5 Registration document (or new keepers supplement).

- E. produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- F. produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).
- G. produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
- H. produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- I. return any plates previously issued by the Licensing Authority.

Change of Registration of Vehicle Applications

2.8 To make a change of registration application the applicant must:

- A. complete and submit to the Licensing Authority the appropriate change of vehicle registration application form.
- B. pay the appropriate fee.
- C. produce confirmation of change of registration from DVLA.
- D. produce an appropriate insurance certificate or cover note for Hackney Carriage purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- E. produce a current MOT certificate showing the new registration.
- F. return any plates previously issued by the Licensing Authority.

3. General Conditions

Delegated Powers

- 3.1** Gloucester City Council will always have regard to this policy document and its objectives in exercising its taxi and private hire licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Council has discretion to make exceptions to this policy. Where the Council makes exceptions to this policy, clear reasons will be given for the exception being made.
- 3.2** All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Head of Place.
- 3.3** All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the City Improvement and Environment Manager.

Alteration of Existing Conditions

- 3.4 A.** The Council may alter these conditions upon the giving of 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered.

- B. Any alteration of conditions under this condition will be consulted upon in the normal way and the licence holder will have the right to appeal to the Magistrates Court. The Licensing and Enforcement Committee will consider conditions, and any comments as a result of the consultation in the normal way.

Disciplinary Action

- 3.5 A breach of any of these general conditions may result in disciplinary action in accordance with the Council's approved enforcement policy, Hackney Carriage and Private Hire Regulatory Guidelines and use of the penalty points totting up procedure.
- 3.6 The City Improvement and Environment Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, accumulation of totting up penalty points on the Council's internal procedure, at least one warning within a 12 month period.
- 3.7 There is a power to immediately suspend or revoke a Hackney Carriage Driver's Licence on the grounds of public safety under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Complaints Procedure

- 3.8 Details of the Council's complaints procedure for Hackney Carriage and Private Hire can be found in the approved 'hackney carriage and private hire regulatory guidelines'.

Penalty Points Scheme

- 3.9 The council operates a penalty points system on private hire and dual driver licences to help ensure all drivers, owners and vehicles adhere to basic minimum standards, details of which can also be found in the Council's approved HC and PH regulatory guidelines.

Drivers

- 3.10 Licensed Hackney Carriage and Private Hire Drivers must ensure that they comply with the requirements of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

Duration of Licence

- 3.11 A Drivers licence shall remain in force for up to 3 years. **The Council retains the right to only issue a licence for 1 year duration if appropriate.**

Medical Criteria

- 3.12 Once a driver has reached the age of 45, he/she must have a medical every 5 years on renewal of the drivers licence until he/she reaches the age of 65. From the age of 65 he/she will have a medical annually.
- 3.13 If a driver develops any health or medical issues that may affect his/her fitness as a driver during the period of their licence; they must notify the Licensing Authority immediately and where appropriate the DVLA. Should this mean that a driver is required to cease driving for a period of time the Licensing Authority must receive written medical clearance from the drivers GP in order to

resume driving. The GP undertaking the medical assessment will need to declare that they have seen the driver's medical records.

Requirement to Return Drivers Badge

- 3.14** If a driver is no longer licensed as a Hackney Carriage driver, he/she must return his/her licence, badge and any other related items to the Licensing Authority within 7 days.

Notification of Changes

- 3.15** If a driver moves house or changes his/her name, or if any other personal details included on the current licence changes, he/she must inform the Licensing Authority in writing within 7 days (see also 4.4).
- 3.16** If a driver leases a vehicle from another driver, he/she is obliged to inform the Licensing Authority, as to who owns the vehicle that they are driving and to produce a current insurance certificate naming both the owner and driver. The Licensing Authority must be notified in writing within 7 days if anything changes. The driver must also notify when they change operators or work for multiple Operators and identify which Operator(s) so that the Council can update their records.

Convictions, Cautions and Fixed Penalties

- 3.17 A.** ~~If a driver receives any cautions, convictions, fixed penalties or has a court case pending, he/she MUST inform the Licensing Authority in writing within 7 days 48 hours of being formally notified of any such charge, fixed penalty, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.~~

Licence holders are required to notify the Licensing Authority within 48 hours any of the following:

- an arrest and release, charge or conviction of any sexual offence
- any conviction, caution, fixed penalty or court case pending
- any motoring offence including speeding fines

(Even if it is from a Gloucester City Council department or another Local Authority you still need to notify Gloucester City Council's Licensing Team).

An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

It is a requirement of your driver licence that you must notify the Police that you are a licensed driver upon arrest or whilst being Interviewed Under Caution.

- B.** If a driver fails to notify of any cautions, convictions or fixed penalties within ~~seven days~~ **48 hours** of being formally notified of any such charge, then penalty points will be issued. If this is picked up on a renewal application and these penalty points issued take the driver over 12 within a 12 month period, then the Licensing Team will not be in a position to renew the Hackney Carriage driver's badge. The Licensing Team will therefore refer the driver to the Licensing and Enforcement Sub-Committee for members to decide if they continue to be a fit and proper person.

- C. Notification of accidents (please see 4.5).

Code of Conduct

3.18 A Hackney Carriage driver shall always act in accordance with the following:

- A. wear the Hackney Carriage drivers badge provided by the Licensing Authority, in such a position and manner as to be plainly visible to the customer.
- B. have a clean and tidy appearance.
- C. behave in a polite and courteous manner in front of customers, Licensing and Enforcement Officers, Elected members, to each other and to other road users.
- D. take reasonable precautions to ensure the comfort and safety of passengers including when they are getting in and out of the vehicle.
- E. attend punctually at the appointed time and place when hired.
- F. if requested, offer reasonable assistance with the loading and unloading of bags and luggage.
- G. offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination. If assistance is declined then continue to act in a polite and courteous manner.
- H. unless otherwise directed by the hirer, shall proceed to the given destination by the shortest or most economical route .
- I. not eat or drink in the vehicle whilst working as a Hackney Carriage driver.
- J. comply with a customer's request not to play any radio or other sound emitting device in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- K. not play any radio or other sound producing device in the vehicle so loud that it causes a noise nuisance to anyone inside or outside of the vehicle.
- L. not carry animals in the vehicle whilst working except for those carried in connection with the hirer of the vehicle. The driver has the discretion to decide whether he/she wants to carry animals belonging to a passenger in the vehicle, however, the animal may only be carried in the rear of the vehicle (see also 4.11).
- M. it is an offence to drive a vehicle whilst using a mobile phone. All Hackney Carriage drivers who wish to operate a mobile phone must ensure that a suitable means of hands-free operation is installed in the vehicle.
- N. remain vigilant and comply with local speed limits.
- O. comply with Smokefree Legislation (please see 4.6 and 4.7).
- P.. Provide the customer with a receipt if requested.

Lost Property

3.19 As soon as possible after a passenger has left the vehicle, the driver should check to make sure that no property has been left behind.

- 3.20** If a passenger does leave something in a vehicle and it is not claimed within 48 hours, the driver should take it to the Licensing Authority offices or to the local Police Station and get a receipt from the Duty Officer.

National Register of Taxi Licence Refusals and Revocations Drivers (NR3)

- 3.21** Gloucester City Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application. The information recorded on NR3 itself will be limited to:
 - name
 - date of birth
 - address and contact details
 - national insurance number
 - driving licence number
 - decision taken
 - date of decision Drivers
 - date decision effective Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a hackney carriage or a private hire driver licence.

A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

All new and renewal driver licence applications will be checked against the NR3 to ensure that no action has been taken by any other Licensing Authorities.

Vehicles

General

- 3.22** Owners may apply for a particular vehicle to be exempt from some or all of the licensing requirements contained in this policy. Such exemptions are likely to be granted only in exceptional circumstances and each case will be on its own merits.

- 3.23** All new Hackney Carriage Vehicles licensed in Gloucester City must be wheelchair accessible.
- 3.24** Where a Hackney Carriage Vehicle Licence has been issued to allow a wheelchair accessible vehicle or people carrier to be operated, then that vehicle licence is issued conditional on:-
- A.** the vehicle always remaining as a wheelchair accessible vehicle or people carrier type; and
 - B.** the vehicle licence not being transferred to a non-wheelchair accessible vehicle or non-people carrier type.
- 3.25** Where a Hackney Carriage Vehicle Licence has been issued to allow a saloon type vehicle to be operated, then that vehicle may be replaced by a Saloon type vehicle at the end of its working life. The vehicle may be changed to a larger/different class of vehicle e.g. a wheelchair accessible or multi-person carrier and revert back to a saloon type at the owner's discretion.
- 3.26** The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers.
- 3.27** The vehicle must be right-hand drive and have a minimum of 4 doors.
- 3.28** The vehicle must be constructed and the doors open sufficiently wide as to allow easy access and egress from the vehicle and cause no inconvenience to passengers.
- 3.29** The licence holder shall ensure that all fittings and seats are such to be efficient, safe, tidy and clean.
- 3.30** The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.
- 3.31** The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.
- 3.32** The vehicle must comply with all traffic regulations and legislation in force.
- 3.33** No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.
- 3.34** Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.35** Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

Vehicle Age and Testing

- 3.36** Vehicles must comply with the following conditions in relation to age and length of service;
- A.** vehicles will not be accepted for licensing on the first occasion after 5 years from the date of the first registration regardless of whether it was previously licensed with Gloucester City Council or anywhere else in the UK and must be of the latest Euro standard currently it is Euro 6, these are for vehicles registered after 1st September 2015.
 - B.** the vehicle will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. All existing vehicles will need to be Euro 6 compliant by 2023. If a vehicle is transferred before 2023 then it will need to be replaced with a vehicle that is Euro 6 compliant.
 - C.** metropolitan type vehicles designed and constructed for the purpose of conveying members of the public are exempt from condition 3.35(a), but must be of Euro 6 standard. They will not be re-licensed once they have reached its 15th anniversary from the date of first registration. Existing metropolitan type vehicles that are currently licensed and over 15 years of age will have 3 years to change the vehicle for it to become Euro 6 compliant.

- D. all vehicles must be tested annually to the current Licensing Authority standards. Once the vehicle has reached the age of 8 years since the first date of registration, the vehicle shall be tested at 6 monthly intervals from the date of its last vehicle inspection test and submitted to the Licensing Authority until it has reached its service limit of 10 years since first date of registration.
- E. if the condition of the vehicle deteriorates below the acceptable standard set in the Licensing Authority vehicle test at anytime during the working life of the vehicle, the Licensing Officer reserves the right to withdraw the licence.

Colour of Vehicle

3.37 All Hackney Carriage vehicles shall be white in colour.

Seat Dimensions

3.38 Each passenger seat shall be as follows:

- A. Height – from the top of the seat cushion to the roof at the lowest point must not be less than 30 inches (762mm.)
- B. Knee space – the measurement between the front of each seat and the rear of the seat in front shall not be less than 10 inches (254mm).
- C. Width – the width of each passenger seat from side to side shall not be less than 16 inches (406mm). A seat designed for more than one passenger such as a rear seat must allow a width of 16 inches (406mm) for each passenger permitted.
- D. Depth – the measurement of a seat cushion between the front and back shall not be less than 18 inches (457mm).
- E. Dimensions for knee space and seat depth may be considered together subject to the approval of a City Centre Improvement Officer.

3.39 Occasional use fold down seats in purpose built wheelchair accessible vehicles are exempt from the seat dimension requirements listed above.

Fire Extinguisher and First Aid Kit

3.40 The vehicle licence holder shall ensure that a fire extinguisher is fitted and complies to British Standard BSEN3 and be of at least 1kg powder capacity and in date. A First Aid Kit must also be provided in the vehicle and be maintained and readily available for use. In line with HSE for Travelling workers your first aid box should contain the following minimum contents:

- 6 individually wrapped sterile plasters
- 2 individually wrapped triangular bandages
- 2 safety pins
- 1 large individually wrapped, sterile, unmedicated wound dressing
- individually wrapped, moist cleansing wipes
- Pair of disposable gloves (non-latex)
- HSE leaflet “Basic advice on first aid at work” which can be printed from the following link <http://www.hse.gov.uk/pubns/indg347.pdf>

CCTV Systems

3.41 CCTV systems (plus dash cams) may be installed into the vehicle with the approval of the ~~City Centre Improvement~~ **Licensing** Officer. All CCTV systems must comply with current legislation including data protection.

Luggage

- 3.42** All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.
- 3.43** Roof racks and roof boxes are not permitted on Hackney Carriages without the express prior approval of the City Centre Improvement Officer.
- 3.44** Trailers must be approved by the City Centre Improvement Officer.

Seatbelts

- 3.45** Each passenger must have an appropriate, operational 3 point lap and shoulder seatbelt, see also 4.8 and 4.9 which refers to current seatbelt legislation.

Meters and Fares

- 3.46** Taxi meters must be inspected upon installation. The Hackney Carriage licence holder must then show to the council the meter check certificate dated to the City Councils current tariff City Centre Improvement Officer reserves the right to test on demand.
- 3.47** All Hackney Carriage licence holders shall ensure that the taxi meter is set to the current Licensing Authority tariff and that the taxi meter is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.
- 3.48** Fares to be calculated and charged as follows:
- A.** for journeys that wholly take place within the controlled district, the meter shall be running at no higher than the prescribed rate and the fare charged shall be no more than the fare showing on the meter. The meter shall not be engaged until the hirer is in the vehicle.
 - B.** for journeys that either wholly or in part take place outside of the controlled district, the fare or method of calculation shall be agreed with the passenger prior to the commencement of the journey.

Tariff Card

- 3.49** All Hackney Carriage licence holders shall ensure that the current Licensing Authority tariff card is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.

Vehicle Licence Plates

- 3.50** A vehicle licence shall remain in force for a period of 1 year unless otherwise stated on the licence.
- 3.51** The exterior Hackney Carriage vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the rear registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.
- 3.52** The interior Hackney Carriage vehicle plate shall be securely fixed inside the vehicle in a position where it is clearly visible to passengers travelling in the vehicle and shall be displayed at all times that the licence is in force.
- 3.53** The licence plates shall remain the property of the Licensing Authority and in the event that the licence is suspended, revoked or expired it shall be returned to the Licensing Authority within 7 days of notice being served on the licence holder by the Licensing Authority.

Roof Signs

- 3.54** Hackney Carriages must be fitted with an approved standardised roof sign as directed by the City Centre Improvement Officer with the exception of metropolitan type vehicles.
- 3.55** The roof sign MUST be displayed on the top of the vehicle showing the word “taxi” whilst working in its controlled district. The sign must be attached to the meter and must be illuminated when the vehicle is available for hire.

Door Panels

- 3.56** Hackney Carriages may display on both front doors, the approved recognition panel showing the words: City of Gloucester, City Crest, Licensed Vehicle Plate Number together with their own business name and telephone number if they wish.
- 3.57** Door panels must be a maximum size of 0.61m² (2sq.ft) e.g. 2ft x 1ft.

Advertising

- 3.58** Hackney Carriages are permitted to have whole vehicle body advertising livery for a single product or service subject to the prior approval of the City Centre Improvement Officer.

Stretched Limousines

- 3.59** Stretched limousines are not permitted to be licensed as Hackney Carriage vehicles.

Horse-Drawn Hackney carriages

- 3.60** All licenses issued in relation to Horse-Drawn Hackney Carriages operating within the City of Gloucester are subject to compliance at all times with the legislation Bylaws and Council conditions with respect to hackney carriages.
- 3.61** The following conditions will also apply to vehicles and drivers submitted for licensing as a horse-drawn hackney carriage:
- A.** All landaus and harnesses must be presented for inspection, when and where required and no landau or harness will be certified fit for public use unless it is properly finished and painted and in a thorough good condition.
 - B.** Proprietors must, at the time of inspection for licensing, produce the certificate of ownership and a policy of insurance appropriate to a landau used for public hire and covering passenger risks.
 - C.** Landaus must so far as is appropriate comply with the requirements of the Road Traffic Acts and any other acts, relating to vehicles using a public highway or any subsequent Acts, and of the Orders and Regulations made in pursuance thereof, and by the Bylaws with respect to Hackney Carriages in the City of Gloucester.
 - D.** The Council reserves the right, even after a landau has been passed, if it is found to reveal any defect which in the opinion of the authorised officer of the Council renders it unsuitable for public service, to serve a notice on the proprietor not to use such landau until the defect has been remedied to the Council forthwith.
 - E.** Should any alteration to the design or construction of the landau be made the authorised officer of the Council must be notified and full particulars of the alteration must be supplied, and the landau will require another inspection. Accidents materially affecting the landau must be notified to the Council forthwith.
 - F.** All landaus submitted for licensing must be of a type suitable for hackney carriage work. They shall comply with the requirements relating to seating space, head and knee room, set out in condition 3.60 i) below, and any other reasonable condition to the satisfaction of the Council's authorised officer.

- G.** The hackney carriage plates must be fixed in positions approved by the Council's authorised officer.
- H.** No fittings or signs, except such as have been approved by the Council's City Centre Improvement Officer, shall be attached to, or carried either upon the inside or outside of the landau.
- I.** Landaus must comply with the following conditions, namely: -
 - i.** It must be so constructed and the doors open sufficiently wide as to allow easy access or egress and cause no inconvenience to passengers.
 - ii.** The length of the seats measured in a straight line lengthwise on the front of the seat must be adequate in the opinion of the Council and comfortably to seat passengers.
- J.** Any authorised officer of the Council or the RSPCA are free to inspect the landau, the harnessing, the horses or any accommodation used for stabling horses at any time, and may also advise whether or not the horse and landau are appropriate to be used together.
- K.** No horse shall be used for pulling a Horse drawn carriage unless a veterinary certificate as to its fitness and suitability has been supplied to the Council which shall be renewable yearly at the time of application of renewal.
- L.** At the time of the veterinary inspection, photographs (from each side and each head on) are to be submitted along with a declaration (by the veterinarian) on the reverse of the photograph verifying that the photographs relate to the horse inspected- these photographs are to be carried on the landau when the horse is in use.
- M.** A report from a suitably qualified Farrier must be obtained for each horse upon application/renewal of the licence.
- N.** Every driver must pass an appropriately amended hackney carriage knowledge test and hold a certificate from a suitably qualified person as to his/her competence to drive a landau in traffic conditions.
- O.** The holders of Drivers Licences and Proprietors licences must return to the Council the badges and plates issued by the Council, immediately upon ceasing to be so licensed.
- P.** The proprietor or driver of a hackney carriage drawn by any animal or animals shall not except on Sundays or Bank Holidays, exercise his calling during the hours between 12:30 to 14:00; 16:30 to 18:00; or 23:00 to 09:30 the following morning.
- Q.** Any horse used in any one day as a landau horse shall not be used during that day for any other purpose.
- R.** The driver of a horse drawn hackney carriage shall ensure that at no time horse faeces are deposited on any street in the City.
- S.** Any device used for the prevention of the deposition of horse faeces on the street must be of such design and so fitted as to not cause nuisance or interference to either person or horse, or cause any distress to the horse.
- T.** Any horse faeces collected must be held and deposited of in manner as not to cause nuisance.
- U.** On a new drivers application each driver is to supply the Council with a letter from a veterinarian surgeon which clearly states that they have some knowledge of horse care and can identify signs of ill health which could prove harmful to the horse should it be allowed to continue to work.

- V. The licence is subject to an officer of the RSPCA approving the routes and equipment to be used.
- W. The fare tariffs are to be set and approved by the Council and shall not be exceeded. An authorised Officer of the Council must agree with the applicant a method of fixing a suitable tariff where an electronic taxi meter is not used.
- X. The licence is issued subject to the production of further veterinary certificates (or Farrier reports) as may from time to time be requested by authorised officers of the Council.
- Y. A satisfactory certificate or fire safety signed the Chief Fire officer or his representative pertaining to the stables where the horses are normally housed must be supplied with the application.
- Z. Breach of any of the existing conditions applicable to all Hackney Carriages, plus these additional conditions applicable to horse-drawn Hackney carriages will be enforced by the penalty points system as appropriate, with the addition of the following penalty points namely:-

Details of Condition Breached	Penalty Points Applicable
Proprietor/ Operator using unlicensed drivers	6
Horse faeces deposited on the highway and not collected and deposited of in a manner so as not to cause nuisance	4
Proprietor/Operator using an unlicensed horse drawn hackney carriage	6
Horses not being supplied with an effective means of preventing faeces being dropped on the street	3
Means of preventing faeces being dropped in the street causing interference or distress to the horse	6
Proprietor/operator using a horse not approved by the Council	6
Ill- treating the horse	6-12

Criminality Checks for Vehicle Proprietors

3.62 Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence. Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately. A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence. Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Complaints against licensees

3.63 Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

4. Other Legislation

Number of Passengers Permitted

4.1 A Hackney Carriage shall not be permitted to carry more than 8 passengers.

4.2 A Hackney Carriage shall not carry any more passengers than the number stated on the vehicle licence plate.

Licensed Drivers

4.3 A Hackney Carriage is licensed as a Hackney Carriage and as such can only be driven by a person holding a Hackney Carriage drivers licence issued by the same Licensing Authority throughout the duration of that Hackney Carriage vehicle licence. Even with all signage removed; the vehicle is still a licensed vehicle and must not be driven by any other person than a licensed Hackney Carriage driver.

Change of Details

4.4 A holder of a Hackney Carriage vehicle licence must notify the Licensing Authority, in writing within 7 days, of any changes in the details of their Hackney Carriage licence including change of address and lease of the vehicle to another licensed driver.

Notification of Accidents

4.5 A holder of a Hackney Carriage vehicle licence must notify the Licensing Authority as soon as reasonably practicable and no longer than 72 hours after any accident that causes damage materially affecting the safety, performance or appearance of a Hackney Carriage vehicle or the comfort and convenience of the passengers.

Smokefree Legislation

4.6 Hackney Carriage vehicles are smokefree vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. This applies to all occupants including the driver at all times including for private use. This also includes E-Cigarettes, E-Liquid and any vaping products.

4.7 A No Smoking sign must be displayed in each compartment of the vehicle that shows the international "No Smoking" sign (a minimum of 70mm in diameter).

Seatbelt Legislation

- 4.8 The driver of a Hackney Carriage is responsible for ensuring that ALL passengers under the age of 14 are wearing the correct seatbelts or restraints.
- 4.9 A Hackney Carriage driver is only exempt from wearing a seatbelt whilst the Hackney Carriage is:
- A. being used for seeking hire within the Licensing district.
 - B. answering a call for hire.
 - C. carrying fare paying passengers for hire.

Sale of Alcohol

- 4.10 The sale of alcohol is a licensable activity under the Licensing Act 2003. The sale of alcohol is prohibited in a moving vehicle. If a sale of alcohol is made as part of a booking arrangement, the sale must be authorised by either a premises licence or a temporary event notice in accordance with the Licensing Act 2003.

Guide Dogs

- 4.11 A Hackney Carriage driver must permit, without additional payment, guide, hearing and certain prescribed assistance dogs accompanying disabled people to be carried in the licensed vehicle unless an exemption certificate has been issued to that driver on medical grounds by the Licensing Authority.

5. Glossary of Terms

Controlled District

- 5.1 The area covered by the Licensing Authority.

DfT

- 5.2 The Department for Transport determines the overall transport strategy for the UK.

DVLA

- 5.3 The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport (DfT). The DVLA's primary aims are to facilitate road safety and general law enforcement by maintaining registers of drivers and vehicles, and to collect vehicle excise duty (car tax).

Enhanced Disclosure and Barring Service

- 5.4 The Disclosure and Barring Service is a non- departmental public body of the Home Office and provides wide access to criminal record information through its disclosure service. The Disclosure and Barring Service (DBS) was formed by merging together the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. It started functioning on 1 December 2012.

In addition the enhanced criminal record disclosure may also show any information held on local Police records considered by the Chief Constable or Chief Officer to be relevant to the position being sought and which can be disclosed without harming the interests of the prevention or detection of crime. It is entirely up to the Chief Constable or Chief Officer to decide what information is disclosed, if any, in these circumstances.

In respect of an enhanced criminal record disclosure, the Chief Constable or Chief Officer may also disclose information to the counter signatory only, that is information which will not form part of the actual disclosure. Such information will be sent separately to the counter signatory and will be withheld from the subject of the disclosure (that is the individual applicant) in the interests of the prevention or detection of crime.

Hackney Carriage/Taxi

- 5.5** A Hackney Carriage is also known as a Taxi. It is defined in section 38 of the Town Police Clauses Act 1847 and is a wheeled vehicle constructed or adapted to seat no more than 8 passengers that can carry passengers for hire and reward and may stand on a taxi rank or ply for hire in any street within the licensed district.

Taxi Rank/Stand

- 5.6** An approved rank, also known as a stand, within the controlled district where taxis can await the arrival of a hirer.

ISA

- 5.7** The Independent Safeguarding Authority (ISA) was a non-departmental public body that existed until 1 December 2012, when it has been merged with Criminal Records Bureau (CRB) into Disclosure and Barring Service (DBS).

Knowledge Test

- 5.8** An examination undertaken by applicants for a Hackney Carriage drivers licence to demonstrate the knowledge an applicant has regarding:

The rules and regulations which a Hackney Carriage driver MUST adhere to and the applicants good topographical knowledge in relation to the area in which they are applying to be licensed in.

The knowledge test must be passed by Hackney Carriage driver applicants prior to a drivers licence being granted.

Licensing Authority

- 5.9** The authority responsible for issuing licenses in relation to Hackney Carriage drivers and vehicle under the Town Police Clauses Act 1847 and Part II of The Local Government (Miscellaneous Provisions) Act 1976.

Licensing Authority Vehicle Test Certificate

- 5.10** Vehicle tests undertaken by garages within the controlled district that have been approved by the Licensing Authority. In addition to safety checks this includes condition of the vehicle inside and outside and that the vehicle meets the Licensing Authority conditions e.g. roof signs, plates etc.

City Centre Improvement Licensing Officer

- 5.11** An Officer of the Council authorised to act in accordance with Hackney Carriage legislation.

London Type Hackney Carriage

- 5.12** A vehicle that is recognisable by the public as being a purpose built Hackney Carriage such as used by the London black cabs. Examples include the LTI TX series and the Fairways FX series.

Medical (Group 2)

- 5.13** A medical examination undertaken to group 2 standards set out by DVLA. This is the same as the standard required from drivers of public service vehicles and heavy goods vehicles.

Premises Licence

- 5.14** A licence issued by a Licensing Authority under the Licensing Act 2003 which permits licensable activities which may include sale by retail of alcohol.

Single Vehicle Approval Certificate

- 5.15** The Single Vehicle Approval Certificate (SVA) scheme is a pre-registration inspection for cars and light goods vehicles that have not been type approved to British or European standards. The main purpose of the scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. The approval is issued by selected VOSA testing stations and may also be issued to vehicles that have been modified or converted.

Temporary Event Notice

- 5.16** A notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities that may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on the number that can be issued per year.

DVSA

- 5.17** The Driver and Vehicle Standards Authority (DVSA) provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the independent Traffic Commissioners.

6. Facilities for the Disabled

- 6.1** Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 6.2** The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- 6.3** The clear height of the doorway must be not less than 1.2 metres.
- 6.4** Grab handles must be placed at door entrances to assist the elderly and disabled.
- 6.5** The top of the tread for any entrance must be at floor level of the passenger compartment. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- 6.6** The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 metres.
- 6.7** Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab.

- 6.8** A ramp or ramps for the loading of a wheelchair and occupant must be available at all times. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

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Private Hire Driver and Vehicle Rule Book

APPROVED ~~December 2018~~ October 2021

INDEX

Paragraph Number

1. Drivers Licences	1
New Applications	1.1
Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK	1.7
Renewal Applications	1.8
2. Vehicle Licences	2
New Applications	2.2
Renewal Applications	2.3
Transfer Of Ownership Applications	2.6
Change of Vehicle Applications	2.7
Change of Registration of Vehicle Applications	2.8
Exemption to display plates/signage	2.9
3. General Conditions	3
Delegated Powers	3.1
Alteration of Existing Conditions	3.4
Disciplinary Action	3.5
Complaints Procedure	3.8
Penalty Points Scheme	3.9
Drivers	
Duration of Licence	3.10
Medical Criteria	3.11
Requirement to Return Drivers Badge	3.13
Notification of Changes	3.14
Convictions, Cautions and Fixed Penalties	3.16
Code of Conduct	3.17
Lost Property	3.18
National Register of Taxi Licence Refusals and Revocations Drivers (NR3)	3.20
Vehicles	
General	3.21
Vehicle Age and Testing	3.33
Colour of Vehicle	3.34
Seat Dimensions	3.35
Fire Extinguisher and First Aid Kit	3.37
CCTV Systems	3.38
Luggage	3.39
Seatbelts	3.42
Meters and Fares	3.43
Vehicle Licence Plates	3.46
Roof Signs	3.52
Additional Signs	3.53
Door Panels	3.55
Advertising	3.59
Stretched Limousines	3.60
Criminality Checks for Vehicle Proprietors	3.61
Complaints against licensees	3.62

INDEX

Paragraph No.

4. Other Legislation	4
Number of Passengers Permitted	4.1
Licensed Drivers	4.3
Change of Details	4.6
Notification of Accidents	4.7
Smokefree Legislation	4.8
Seatbelt Legislation	4.10
Sale of Alcohol	4.12
Guide Dogs	4.13
5. Glossary of Terms	5
Controlled District	5.1
DfT	5.2
DVLA	5.3
Enhanced Disclosure and Barring Service	5.4
ISA	5.5
Licensing Authority	5.6
Licensing Authority Vehicle Test Certificate	5.7
Licensing Officer	5.8
Literacy and Numeracy Test (Private Hire Knowledge Test)	5.9
Medical (Group 2)	5.10
Premises Licence	5.11
Single Vehicle Approval Certificate	5.12
Temporary Event Notice	5.13
DVSA	5.14

FACILITIES FOR THE DISABLED

6

CITY OF GLOUCESTER

PRIVATE HIRE RULE BOOK

1. Drivers Licences

New Applications

- 1.1 A The applicant must have been the holder of a valid driving licence (NOT being a provisional licence) authorising him/her to drive a motor car in the UK for at least 12 continuous months immediately prior to the date of application.
- ~~— B Licensed drivers must be able to communicate effectively with customers, Police or authorised officers and other road users. The applicant is expected to have a good command of the English language, both verbal and written and will be required to undertake an English proficiency test as approved by the Council and achieve a satisfactory score.~~
- 1.2 The applicant must be 21 years of age or over.
- 1.3 An application will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person to hold a Private Hire Driver's licence.
- 1.4 Applicants for new licenses should have no more than three current penalty points on their DVLA licence.
- 1.5 To make an application, the applicant must:
- A. complete and submit to the Licensing Authority the appropriate application form
 - B. ensure the private hire operator has signed the application to which the driver will work for.
 - C. pay the appropriate fee
 - D. Take a photograph at the Council offices upon application as follows:
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background.
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
 - E. complete a Private Hire Knowledge Test (basic literacy and numeracy test) as set by the Licensing Authority. If applicants are concerned about the standard of literacy and numeracy required to successfully complete the test then applicants will be directed to attend a course in either literacy or numeracy or both before taking the test. Applicants who fail 3 times will not be allowed to re-sit the test until they can demonstrate that they have improved their literacy and numeracy skills.
 - F. produce for examination a current valid DVLA driving licence photocard or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check must be generated and provided on the application form.
 - G. Provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service prior to licensing with the Council. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information. In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

The Licensing Authority will conduct 6 monthly checks automatically.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

~~All applicants must sign up to the DBS online update service. If you've not yet applied for a DBS check, you can register for the update service using your application reference number (the 'form ref' on your application form). DBS must receive your application form within 28 days.~~

~~If you've already applied, you can register for the update service using your DBS certificate number. You must do this within 30 days of the certificate being issued.~~

- H. provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old on initial application.
- I. provide evidence of successful completion of the Driving Assessment for Hackney Carriage and Private Hire vehicles from the Council's approved list which are currently Diamond Advance Test, Green Penny or The Blue Lamp Trust (this needs to be the pass certificate and not the booking form) or equivalent driving test as approved by the Council. If it is your intention to drive a wheelchair accessible vehicle then you would need to complete the enhanced driving assessment as this includes the wheelchair exercise or equivalent wheelchair accessible driving test as approved by the Council. If you have completed the enhanced driving assessment then you would need to produce both pass certificates. (Please note you will be required to take the Driving Assessment every ten years).
- J. Provide Safeguarding Awareness training certificate (as specified by Gloucester City Council). Refresher training will have to be undertaken every three years.
- K. A right to work check under the Immigration Act 2016 will be carried out before your licence is issued.
- L. Undertake the English proficiency test as approved by the Council and achieve a satisfactory score unless the applicant can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English. If applicants are unable to provide such a certificate, or if the Licensing Officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test. English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

- 1.6 Applicants are required to notify the Licensing Authority of any convictions, cautions, fixed penalties or pending court cases during the application process (i.e. the time between the application being submitted and the licence being granted).

Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK

- 1.7 The Licensing Authority must be satisfied that the applicant is a fit and proper person. In order to determine this, an applicant who is a foreign national or has resided outside of the UK must also do the following:

- A. complete an enhanced Disclosure and Barring Service application form (as detailed in the new applicant section above). To complete this application, the applicant must provide all addresses for the past 5 years including any addresses that are outside of the UK. The enhanced criminal record check will show any convictions that have been committed in the UK.
- B. ~~in addition to the enhanced Disclosure and Barring Service application, the applicant must provide the Licensing Authority with a criminal record check from all countries outside of the UK that they have resided in from the age of 18 or, if those countries do not provide such information, a certificate of good conduct from the Embassy or Diplomatic Mission from all countries that they have resided in from the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. Any costs incurred to obtain such certification must be paid for by the applicant.~~

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident. Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> will assist you further in obtaining this document.

- C. the Licensing Authority must be satisfied that the applicant holds an appropriate driving licence to drive in the UK. If the applicant has an exchangeable drivers licence for a non-EU/EEA designated country they need to convert it to a GB DVLA Licence prior to applying for a Private Hire Drivers Licence. The convertible licence can be used to demonstrate they have been driving for 1 year before applying for a Private Hire Drivers Licence.
- D. an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
- E. Foreign Nationals that hold a Student Visa, are only permitted to work for up to 20 hours during term time (depending on the course studied). The private hire operator may be liable if the driver breaches the limitations of the student. Information may be shared with the Border Agency.

Renewal Applications

- 1.8 A renewal application must be completed prior to the expiry date of the Private Hire driver's licence. Drivers will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date; failure to renew on time will require a new application being made including a criminal record check and medical report. It is an offence to drive a Private Hire Vehicle without the appropriate Private Hire driver's licence. A licence can be renewed up to one month before the current expiry date and the new licence will be post-dated to the expiry date.

1.9 A licence will not be renewed without all supporting documentation being received. A Licence renewed after the expiry date will run from the date the new licence is issued. The period from expiry to actual renewal date will be unlicensed, and the driver may not drive a licensed vehicle during these periods.

1.10 To make a renewal application, the applicant must:

- A.** complete and submit to the Licensing Authority the appropriate renewal application form.
- B.** ensure the private hire operator has signed the application to which the driver will work for.
- C.** pay the appropriate fee.
- D.** Take a photograph at the Council offices upon application as follows:
 - Be taken against a light background so that the applicants features are distinguishable and contrast against the background.
 - Show the full face, uncovered, without sunglasses. Head coverings are NOT allowed unless due to religious beliefs.
- E.** produce for examination a current valid DVLA driving licence photocard or paper licence (if issued pre 1998), authorising him/her to drive a motor vehicle in the UK, showing his/her current home address. A licence check must be generated and provided on the application form.
- F.** ~~complete an enhanced Disclosure and Barring Service application form and provide appropriate identity documentation where appropriate.~~

The Licensing Authority will conduct 6 monthly DBS checks automatically. You must provide a Disclosure and Barring Service (DBS) Enhanced Criminal Convictions Certificate which is registered for the online update service. The DBS certificate must specify 'Other Workforce', Child and Adult barring list information.

The DBS certificate must be registered for the DBS Online Update Service and the registration must be kept active at all time. It is the responsibility of the licence holder to ensure that their subscription is paid and that their card details remain active with the DBS. If a subscription lapses, the driver licence will be suspended until another DBS certificate has been issued and the DBS Online Update Service has been verified by the Licensing team. The DBS certificate that is used for the Online Update Service registration must be retained by the licence holder so that the Licensing Authority can view this upon request.

- G.** If appropriate, provide a satisfactory group 2 medical certificate from a GP that is no more than 3 months old from the date of renewal.
- H.** an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
- I.** All existing licence holders must attend refresher training every 3 years. Failure to undertake the training within the timescales, except in exceptional circumstances at the discretion of the Licensing Officers, will lead to suspension of the licence until such a time as the training is completed. Licence holders who were licensed before this policy came into effect have 3 years to undertake the refresher training.

2. Vehicle Licences

2.1 Gloucester City Council does not grant a private hire vehicle licence for any vehicle already licensed by another authority.

New Applications

2.2 To make an application the applicant must:

- A.** complete and submit to the Licensing Authority the appropriate application form.
- B.** pay the appropriate fee.

- C. Provide proof of ownership, for example bill of sale, i.e. receipt for the money paid for the vehicle, invoice for the vehicle or hire purchase agreement in applicants' name.
- D. Produce a V5 Registration document (or new keepers supplement).
- E. produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- F. produce a current MOT certificate (unless the vehicle is less than 1 year old).
- G. produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application.
- H. Where a meter is fitted, produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- I. A Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.

Renewal Applications

- 2.3 A renewal application must be completed prior to the expiry date of the Private Hire vehicle licence. Drivers will be sent a reminder around weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date. If the vehicle then does not meet any of the conditions in particular the age criteria then the vehicle will not be relicensed. It is an offence to drive a Private Hire vehicle without the appropriate Private Hire vehicle licence. A Licence can be renewed up to 1 month before the current expiry and the new licence will be post-dated to the expiry date.
- 2.4 A Licence will not be renewed without all supporting documentation being received. An application to renew a licence that is submitted before expiry date but does not have all the supporting documentation will not be renewed, The licence will not be issued until such time that all documentation has been received. The period from expiry to actual issue date will be unlicensed, and the vehicle may not be used for Private Hire purposes.
- 2.5 To make a renewal application the applicant must:
 - A. complete and submit to the Licensing Authority the appropriate renewal application form.
 - B. pay the appropriate fee.
 - C. produce a V5 registration certificate in the applicants name.
 - D. produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
 - E. produce a current MOT certificate and advisory notice if applicable.
 - F. produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
 - G. Where a meter is fitted, produce proof of a meter inspection certificate from date of application.
 - H. A Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.

Transfer of Ownership Applications

2.6 To make a transfer application the applicant must:

- A.** complete and submit to the Licensing Authority the appropriate transfer application form.
- B.** pay the appropriate fee.
- C.** Produce a letter from the previous owner stating that they are no longer using the vehicle as private hire vehicle.
- D.** Produce a V5 Registration document (or new keepers supplement).
- E.** produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- F.** produce a current MOT certificate and advisory notice if applicable.
- G.** Where a meter is fitted, produce proof of a meter inspection certificate from date of application.
- H.** **A Basic DBS check by the vehicle proprietor if they are not a licensed driver with Gloucester City Council.**

Change of Vehicle Applications (*replacement vehicles licensed for less than 1 year*)

2.7 To make a change of vehicle application the applicant must:

- A.** complete and submit to the Licensing Authority the appropriate change of vehicle application form.
- B.** pay the appropriate fee.
- C.** provide proof of ownership, for example bill of sale, i.e receipt for the money paid for the vehicle, invoice for the vehicle or hire purchase agreement in applicants' name.
- D.** Produce a V5 Registration document (or new keepers supplement).
- E.** produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- F.** produce a current MOT certificate and advisory notice if applicable (unless the vehicle is less than 1 year old).
- G.** produce a current Licensing Authority vehicle inspection certificate that is no more than 2 months old from date of application. Where an MOT has been carried out within the last two months without the added vehicle inspection checks, a Licensing and Enforcement Officer can then check the cosmetic elements for an appropriate fee.
- H.** Where a meter is fitted, produce proof of a meter inspection certificate from an approved installer that is dated to the Councils current tariff.
- I.** return any plates previously issued by the Licensing Authority.

Change of Registration of Vehicle Applications

2.8 To make a change of registration application the applicant must:

- A.** complete and submit to the Licensing Authority the appropriate change of vehicle registration application form.
- B.** pay the appropriate fee.
- C.** produce confirmation of change of registration from DVLA.

- D. produce an appropriate insurance certificate or cover note for Private Hire purposes in accordance with the requirements of current legislation. If a cover note is offered, the full insurance certificate or further cover note should be presented within 2 working days of the cover note expiry date. Failure to do so will result in the licence being suspended.
- E. produce a current MOT certificate showing the new registration.
- F. return any plates previously issued by the Licensing Authority.

Exemptions to display plates/signage

- 2.9 Proprietors may request for an application to exempt the vehicle from the requirement to display identification licence plates and door panels through their private hire operator. Such applications are not considered lightly and more likely to be granted for high specification executive vehicles. Further details are provided in the Council's Private Hire Operators Rule Book.

3. General Conditions

Delegated Powers

- 3.1 Gloucester City Council will always have regard to this policy document and its objectives in exercising its taxi and private hire licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Council has discretion to make exceptions to this policy. Where the Council makes exceptions to this policy, clear reasons will be given for the exception being made.
- 3.2 All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Head of Place.
- 3.3 All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the City Improvement and Environment Manager.

Alteration of Existing Conditions

- 3.4 A. The Council may alter these conditions upon the giving of 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered.
- B. Any alteration of conditions under this condition will be consulted upon in the normal way and the licence holder will have the right to appeal to the Magistrates Court. The Licensing and Enforcement Committee will consider conditions, and any comments as a result of the consultation in the normal way.

Disciplinary Action

- 3.5 A breach of any of these general conditions may result in disciplinary action in accordance with the Council's approved enforcement policy, Hackney Carriage and Private Hire Regulatory Guidelines and use of the penalty points totting up procedure.
- 3.6 The City Improvement and Environment Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, accumulation of totting up penalty points on the Council's internal procedure, at least one warning within a 12 month period.
- 3.7 There is a power to immediately suspend or revoke a Private Hire Driver's licence on the grounds of public safety under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Complaints Procedure

- 3.8 Details of the Council's complaints procedure for Hackney Carriage and Private Hire can be found in the approved 'hackney carriage and private hire regulatory guidelines'.

Penalty Points Scheme

- 3.9 The council operates a penalty points system on private hire and dual driver licences to help ensure all drivers, owners and vehicles adhere to basic minimum standards, details of which can also be found in the Council's approved HC and PH regulatory guidelines.

DRIVERS

Duration of Licence

- 3.10 A Drivers licence shall remain in force for up to 3 years. **The Council retains the right to only issue a licence for 1 year duration if appropriate.**

Medical Criteria

- 3.11 Once a driver has reached the age of 45, he/she must have a medical every 5 years on renewal of the drivers licence until he/she reaches the age of 65. From the age of 65 he/she will have a medical annually.
- 3.12 If a driver develops any health or medical issues that may affect his/her fitness as a driver during the period of their licence, they must notify the Licensing Authority immediately and where appropriate the DVLA. The Licensing Authority must receive written medical clearance from the drivers GP in order to resume driving. The GP undertaking the medical assessment will need to declare that they have seen the driver's medical records.

Requirement to Return Drivers Badge

- 3.13 If a driver is no longer licensed as a Private Hire driver, he/she must return his/her licence, badge and any other related items to the Licensing Authority within 7 days.

Notification of Changes

- 3.14 If a driver moves house or changes his/her name, or if any other personal details included on the current licence changes, he/she must inform the Licensing Authority in writing within 7 days (see also 4.4).
- 3.15 If a driver leases a vehicle from another driver, he/she is obliged to inform the Licensing Authority of who is the owner of the vehicle that they are driving and to produce a current insurance certificate naming both the owner and driver. The Licensing Authority must be notified in writing within 7 days if anything changes. The driver must also notify when they change Operators or work for multiple operators and identify which Operator(s) so that the Council are able to update their records.

Convictions, Cautions and Fixed Penalties

- 3.16 A. ~~If a driver receives any cautions, convictions, fixed penalties or has a court case pending, he/she MUST inform the Licensing Authority in writing within 7 days of being formally notified of any such charge, fixed penalty, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.~~

Licence holders are required to notify the Licensing Authority within 48 hours any of the following:

- **an arrest and release, charge or conviction of any sexual offence**
- **any conviction, caution, fixed penalty or court case pending**
- **any motoring offence including speeding fines**

(Even if it is from a Gloucester City Council department or another Local Authority you still need to notify Gloucester City Council's Licensing Team).

An arrest for any sexual offence, any offence involving dishonesty or violence and any motoring offence is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

It is a requirement of your driver licence that you must notify the Police that you are a licensed driver upon arrest or whilst being Interviewed Under Caution.

- B. If a driver fails to notify of any cautions, convictions or fixed penalties within ~~seven days~~ 48 hours of being formally notified of any such charge, then penalty points will be issued. If this is picked up on a renewal application and these penalty points issued take the driver over 12 within a 12 month period, then the Licensing Team will not be in a position to renew the Private Hire driver's badge. The Licensing Team will therefore refer the driver to the Licensing and Enforcement Sub-Committee for members to decide if they continue to be a fit and proper person.
- C. Notification of accidents (please see 4.7).

Code of Conduct

3.17 A Private Hire driver shall always act in accordance with the following:

- A. wear the Private Hire drivers badge provided by the Licensing Authority, in such a position and manner as to be plainly visible to the customer.
- B. have a clean and tidy appearance.
- C. behave in a polite and courteous manner in front of customers, Licensing and Enforcement Officers, Elected members, to each other and to other road users.
- D. take reasonable precautions to ensure the comfort and safety of passengers including when they are getting in and out of the vehicle.
- E. attend punctually at the appointed time and place when hired.
- F. if requested, offer reasonable assistance with the loading and unloading of bags and luggage.
- G. offer reasonable assistance to passengers with a disability when they are getting in and out of the vehicle and, if appropriate, to and from their starting point or destination. If assistance is declined then continue to act in a polite and courteous manner.
- H. unless otherwise directed by the hirer, shall proceed to the given destination by the shortest or most economical route.
- I. not eat or drink in the vehicle whilst working as a Private Hire Driver.
- J. comply with a customer's request not to play any radio or other sound emitting device in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- K. not play any radio or other sound producing device in the vehicle so loud that it causes a noise nuisance to anyone inside or outside of the vehicle.
- L. not carry animals in the vehicle whilst working except for those carried in connection with the hirer of the vehicle. The driver has the discretion to decide whether he/she wants to carry animals belonging to a passenger in the vehicle, however, the animal may only be carried in the rear of the vehicle.
- M. it is an offence to drive a vehicle whilst using a mobile phone. All Private Hire drivers who wish to operate a mobile phone must ensure that a suitable means of hands-free operation is installed in the vehicle.
- N. remain vigilant and comply with local speed limits.
- O. Comply with Smokefree Legislation (please see 4.8 and 4.9).
- P. Provide the customer with a receipt if requested.

Lost Property

- 3.18** As soon as possible after a passenger has left the vehicle, the driver should check to make sure that no property has been left behind.
- 3.19** If a passenger does leave something in a vehicle and it is not claimed within 48 hours, the driver should take it to the Licensing Authority offices or to the local Police station and obtain a receipt from the Duty Officer.

National Register of Taxi Licence Refusals and Revocations Drivers (NR3)

3.20 Gloucester City Council has signed up to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. The register is used for assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage or private hire driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or driver licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application. The information recorded on NR3 itself will be limited to:
 - name
 - date of birth
 - address and contact details
 - national insurance number
 - driving licence number
 - decision taken
 - date of decision Drivers
 - date decision effective Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of making a new or a renewal application for a hackney carriage or a private hire driver licence.

A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

All new and renewal driver licence applications will be checked against the NR3 to ensure that no action has been taken by any other Licensing Authorities.

VEHICLES

General

- 3.20** Owners may apply for a particular vehicle to be exempt from some or all of the licensing requirements contained in this policy. Such exemptions are likely to be granted only in exceptional circumstances and each case will be on its own merits. Classic or Specialised vehicles are more likely to fall into this category.
- 3.21** Metropolitan type vehicles e.g. Black Cab /TX Series will not be accepted for licensing as a private hire vehicle.
- 3.22** The vehicle shall be of suitable size, shape and design to be safe and comfortable for passengers (See also paragraphs 3.34 and 3.35).
- 3.23** The vehicle must be right-hand drive and have a minimum of 4 doors.

- 3.24 The vehicle must be constructed and the doors open sufficiently wide as to allow easy access and egress from the vehicle and cause no inconvenience to passengers.
- 3.25 The license holder shall ensure that all fittings and seats are such as to be efficient, safe, tidy and clean.
- 3.26 The licence holder shall ensure the exterior of the vehicle is kept clean and in good repair.
- 3.27 The vehicle must be fitted with a spare wheel and tyre or space saver where supplied at the time of manufacture.
- 3.28 The vehicle must comply with all traffic regulations and legislation in force.
- 3.29 No changes to the specification, design or appearance shall be made to the vehicle without the prior approval of the Licensing Officer.
- 3.30 Any vehicle that has been modified since manufacture or is imported must have the appropriate approval certificate e.g. a Single Vehicle Approval Certificate.
- 3.31 Tinted windows will only be accepted if it meets manufacture specification and comply with current legislation.

Vehicle Age and Testing

- 3.32 Vehicles must comply with the following conditions in relation to age and length of service:
 - A. vehicles will not be accepted for licensing on the first occasion after 5 years from the date of the first registration regardless of whether it was previously licensed Gloucester City Council or anywhere else in the UK and must be of the latest Euro standard currently it is Euro 6.
 - B. the vehicle will not be re-licensed once it has reached its 10th anniversary from the date of the first registration. All existing vehicles will need to be Euro 6 compliant by 2023. If a vehicle is transferred before 2023 then it will need to be replaced with a vehicle that is Euro 6 compliant.
 - C. all vehicles must be tested annually to the current Licensing Authority standards. Once the vehicle has reached the age of 8 years since the first date of registration the vehicle shall be tested at 6 monthly intervals from the date of its last vehicle inspection test and submitted to the Licensing Authority until it has reached its service limit of 10 years since first date of registration.
 - D. Stretched limousines and other specialised vehicles will be considered under their own merits.
 - E. if the condition of the vehicle deteriorates below the acceptable standard set in the Licensing Authority vehicle test at anytime during the working life of the vehicle, the City Centre Improvement Officer reserves the right to withdraw the licence.

Colour of Vehicle

- 3.33 All Private Hire vehicles can be of any colour but must not be white.

Seat Dimensions

- 3.34 Each passenger seat shall be as follows:
 - A. Height – from the top of the seat cushion to the roof at the lowest point must not be less than 30 inches (762mm).
 - B. Knee space – the measurement between the front of each seat and the rear of the seat in front shall not be less than 10 inches (254mm).
 - C. Width – the width of each passenger seat from side to side shall not be less than 16 inches (406mm). A seat designed for more than one passenger such as a rear seat must allow a width of 16 inches (406mm) for each passenger permitted.
 - D. Depth – the measurement of a seat cushion between the front and back shall not be less than 18 inches (457mm).
 - E. Dimensions for knee space and seat depth may be considered together subject to the approval of a City Centre Improvement Officer.

- 3.35 Occasional use fold down seats in purpose built wheelchair accessible vehicles are exempt from the seat dimension requirements listed above.

Fire Extinguisher and First Aid Kit

- 3.36 The vehicle licence holder shall ensure that a fire extinguisher is fitted and complies to British Standard BSEN3 and be of at least 1kg powder capacity and in date. A First Aid Kit must also be provided in the vehicle and be maintained and readily available for use. In line with HSE for Travelling workers your first aid box should contain the following minimum contents:
- 6 individually wrapped sterile plasters
 - 2 individually wrapped triangular bandages
 - 2 safety pins
 - 1 large individually wrapped, sterile, unmedicated wound dressing
 - individually wrapped, moist cleansing wipes
 - Pair of disposable gloves (non-latex)
 - HSE leaflet "Basic advice on first aid at work" which can be printed from the following link <http://www.hse.gov.uk/pubns/indg347.pdf>

CCTV Systems

- 3.37 CCTV systems (plus dash cams) may be installed into the vehicle with the approval of the City Centre Improvement Officer. All CCTV systems must comply with current legislation including data protection.

Luggage

- 3.38 All luggage must be stored securely and, if appropriate, the vehicle shall be fitted with suitable equipment to prevent luggage from entering the passenger compartment.
- 3.39 Roof racks and roof boxes are permitted on Private Hire vehicles subject to the approval of the City Centre Improvement Officer.
- 3.40 Trailers must be approved by the City Centre Improvement Officer.

Seatbelts

- 3.41 Each passenger must have an appropriate, operational 3 point lap and shoulder seatbelt, see also 4.8 and 4.9 which refers to current seatbelt legislation.

Meters and Fares

- 3.42 If a Taximeter is fitted, the Private Hire licence holder must ensure that the taximeter is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.
- 3.43 Where a Taximeter is fitted, the Private Hire licence holder shall ensure that a tariff card is on display within the vehicle in a prominent position and clearly visible to the hirer of the vehicle.
- 3.44 If a Taximeter is fitted it must be inspected upon installation. The Private Hire licence holder must then show to the council the meter check certificate calibrated to the tariff as shown on their tariff card. the City Centre Improvement Officer reserves the right to test on demand.

Vehicle Licence Plates

- 3.45 Vehicle licences shall remain in force for a period of 1 year unless otherwise stated on the licence.
- 3.46 All vehicle licence plates must be displayed on the vehicle at all times. The only exceptions are when it's parked outside the home address to which the vehicle is licensed, during personal use outside the City boundaries or when there is plate/panel exemption in force.
- 3.47 The exterior rear Private Hire vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the rear registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.
- 3.48 The exterior front Private Hire vehicle plate shall be securely fixed to the outside of the vehicle adjacent to the front registration number plate and shall be displayed at all times that the licence is in force. The plate must be clearly visible at all times.

- 3.49** The interior Private Hire vehicle plate shall be securely fixed inside the vehicle on the windscreen where it is clearly visible to passengers travelling inside the vehicle and visible from outside the vehicle and shall be displayed at all times that the licence is in force.
- 3.50** The licence plates shall remain the property of the Licensing Authority and in the event that the license is suspended, revoked or expired it shall be returned to the Licensing Authority within 7 days of notice being served on the licence holder by the Licensing Authority.

Roof Signs

- 3.51** Private Hire vehicles are not permitted to have roof-mounted signs.

Additional Signs

- 3.52** A sticker must be displayed on all Private Hire vehicles to inform passengers that if the Private Hire driver knowingly accepts a fare that has not been pre-booked, the driver's insurance may be invalid.

Door Panels

- 3.54** Door panels must be displayed on the vehicle at all times. The only exceptions are when it's parked outside the address to which the vehicle is licensed, during personal use outside the City boundaries or when there is plate/panel exemption in force.
- 3.55** Door Panels shall be displayed in a conspicuous location on both sides of a Private Hire vehicle and must be rectangular in shape. They must be approved by the City Centre Improvement Officer prior to display and shall be printed with black lettering on a yellow background.
- 3.56** The following information in **bold** must be provided on the panel: -
City of Gloucester
[Company Trade Name] **Private Hire**
Pre-Bookings Only
[Telephone]
With the words in 'square' brackets above to be optional. As a guideline, the minimum font size of the mandatory wording on the door panel is 30mm.
- 3.57** The company name on the door panels must be exactly the same as the name on the operator licence. The word "taxi", "cab" or "hackney carriage" must not be used. No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used.

Advertising

- 3.58** Advertising on or in the vehicle of any company or subject is not permitted apart from advertising of the Private Hire Company that the vehicle is operating under on door panels only. Such advertising must include the words 'Pre-Booking only'. (See separate conditions for door panels)

Stretched Limousines

- 3.59** Stretched Limousines must meet the standard Gloucester Private Hire conditions in accordance with the specific conditions below:
- A.** The vehicle may be left or right hand drive and be of any colour.
 - B.** As a limousine is a vehicle that has been the subject of a major conversion or modification, evidence must be provided to show that there is a voluntary SVA (Single Vehicle Approval) issued by a VOSA testing station covering such conversion or modification.
 - C.** The applicant must provide written evidence that the vehicle has undergone one of the following:-
 - i.** A conversion by a Ford Qualified Vehicle Modifier (QVM Certificate) or a Cadillac Master Coachbuilder (CMC Certificate); or

- ii. An equivalent conversion programme (the onus will be on the applicant to demonstrate that if the conversion is not Ford or Cadillac approved, that the standard of the conversion is at least to QVM or CMC standard).
- 3.60** A limousine must have appropriate operational seat belts for all passengers that the vehicle is licensed to carry.

Criminality Checks for Vehicle Proprietors

3.61 Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence. Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately. A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage of private hire vehicle or private hire vehicle operator licence. Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

3.62 Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

4. Other Legislation

Number of Passengers Permitted

- 4.1** A Private Hire vehicle shall not be permitted to carry more than 8 passengers.
- 4.2** A Private Hire vehicle shall not carry any more passengers than the number stated on the vehicle licence plate.

Licensed Drivers

- 4.3** A Private Hire vehicle is licensed as a Private Hire vehicle and as such can only be driven by a person holding a Private Hire or Hackney Carriage drivers licence issued by the same Licensing Authority throughout the duration of that Private Hire vehicle licence. Even with all signage removed, the vehicle is still a licensed vehicle and must not be driven by any other person than a licensed Private Hire or Hackney Carriage driver.

- 4.4** It is an offence under the Town Police Clauses Act 1847, to ply for hire without a Hackney Carriage Licence. As such private hire drivers should not accept any fare that has not been pre-booked through the operator, to do so would invalidate the insurance. Standing for hire is prohibited as well as accepting flag downs. A private hire driver and vehicle is prohibited from waiting or dropping off on a designated Hackney Carriage (taxi) rank and is an offence under The Local Government (Miscellaneous Provisions) Act
- 4.5** Licensed Private Hire Drivers must ensure that they comply with the requirements of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

Change of Details

- 4.6** A holder of a Private Hire vehicle licence must notify the Licensing Authority, in writing within 7 days, of any changes in the details of their Private Hire licence including change of address and lease of the vehicle to another licensed driver.

Notification of Accidents

- 4.7** A holder of a Private Hire vehicle licence must notify the Licensing Authority as soon as reasonably practicable and no longer than 72 hours after any accident that causes damage materially affecting the safety, performance or appearance of a Private Hire vehicle or the comfort and convenience of the passengers.

Smokefree Legislation

- 4.8** Private Hire vehicles are smokefree vehicles by law and neither the driver nor the passengers are able to smoke in the vehicle at any time. This applies to all occupants including the driver at all times including for private use. This also includes E-Cigarettes, E-Liquid and any vaping products.
- 4.9** A No Smoking sign must be displayed in each compartment of the vehicle that shows the international "No Smoking" sign (a minimum of 70mm in diameter).

Seatbelt Legislation

- 4.10** The driver of a Private Hire vehicle is responsible for ensuring that ALL passengers under the age of 14 are wearing the correct seatbelts or restraints.
- 4.11** A Private Hire vehicle driver is only exempt from wearing a seatbelt whilst the Private Hire vehicle is carrying fare paying passengers for hire.

Sale of Alcohol

- 4.12** The sale of alcohol is a licensable activity under the Licensing Act 2003. The sale of alcohol is prohibited in a moving vehicle. If a sale of alcohol is made as part of a booking arrangement, the sale must be authorised by either a premises licence or a temporary event notice in accordance with the Licensing Act 2003.

Guide Dogs

- 4.13** Private Hire drivers must permit, without additional payment, guide, hearing and certain prescribed assistance dogs accompanying disabled people to be carried in the licensed vehicle unless an exemption certificate has been issued to that driver on medical grounds by the Licensing Authority.

5. Glossary of Terms

Controlled District

- 5.1** The area covered by the Licensing Authority.

DfT

- 5.2** The Department for Transport determines the overall transport strategy for the UK.

DVLA

- 5.3** The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport (DfT). The DVLA's primary aims are to facilitate road safety and general law enforcement by maintaining registers of drivers and vehicles, and to collect vehicle excise duty (car tax).

Enhanced Disclosure and Barring Service

- 5.4** The Disclosure and Barring Service is a non- departmental public body of the Home Office and provides wide access to criminal record information through its disclosure service. The Disclosure and Barring Service (DBS) was formed by merging together the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. It started functioning on 1 December 2012.

The enhanced criminal record disclosure contains details of both spent and unspent convictions and any cautions from England and Wales, held on central records or it will indicate that there are no such matters held on central records.

In addition the enhanced criminal record disclosure may also show any information held on local Police records considered by the Chief Constable or Chief Officer to be relevant to the position being sought and which can be disclosed without harming the interests of the prevention or detection of crime. It is entirely up to the Chief Constable or Chief Officer to decide what information is disclosed, if any, in these circumstances.

In respect of an enhanced criminal record disclosure, the Chief Constable or Chief Officer may also disclose information to the counter signatory only, which is information which will not form part of the actual disclosure. Such information will be sent separately to the counter signatory and will be withheld from the subject of the disclosure (that is the individual applicant) in the interests of the prevention or detection of crime.

ISA

- 5.5** The Independent Safeguarding Authority (ISA) was a non-departmental public body that existed until 1 December 2012, when it has been merged with Criminal Records Bureau (CRB) into Disclosure and Barring Service (DBS)

5.6 Licensing Authority

The authority responsible for issuing licenses in relation to Private Hire drivers and vehicles under the Town Police Clauses Act 1847 and Part II of The Local Government (Miscellaneous Provisions) Act 1976.

5.7 Licensing Authority Vehicle Test Certificate

Vehicle test undertaken by garages within the controlled district that have been approved by the Licensing Authority. In addition to safety checks this includes condition of the vehicle inside and outside and that the vehicle meets the Licensing Authority conditions e.g. roof signs, plates etc.

5.8 City Centre Improvement Officer

An Officer of the Council authorised to act in accordance with Private Hire legislation.

5.9 Literacy and Numeracy Test (Private Hire Knowledge Test)

An examination undertaken by applicants for a Private Hire drivers licence to demonstrate the knowledge an applicant has regarding:-

- Basic map reading
- Contents of Driver and Vehicle Rule Book
- Calculation of basic fares and change in GB £'s
- Basic knowledge of the Road Traffic Regulations

Candidates who do not pass on the first occasion will be allowed to re-sit the test up to twice within a 12 month period. Candidates who fail 3 times will not be allowed to re-sit the test until they can demonstrate that they have improved their literacy and numeracy skills through the Adult Education Department.

5.10 Medical (group 2)

A medical examination undertaken to group 2 standards set out by DVLA. This is the same as the standard required from drivers of public service vehicles and heavy goods vehicles.

5.11 Premises Licence

A licence issued by a Licensing Authority under the Licensing Act 2003 which permits licensable activities which may include sale by retail of alcohol.

5.12 Single Vehicle Approval Certificate

The Single Vehicle Approval Certificate (SVA) scheme is a pre-registration inspection for cars and light goods vehicles that have not been type approved to British or European standards. The main purpose of the scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads. The approval is issued by selected VOSA testing stations and may also be issued to vehicles that have been modified or converted.

5.13 Temporary Event Notice

A notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities that may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on the number that can be issued per year.

5.14 DVSA

The Driver and Vehicle Standards Authority (DVSA) provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers, and supporting the Independent Traffic Commissioners.

6 FACILITIES FOR THE DISABLED

- 6.1** Approved anchorages must be provided for the wheelchair and chairbound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 6.2** The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- 6.3** The clear height of the doorway must be not less than 1.2 metres.
- 6.4** Grab handles must be placed at door entrances to assist the elderly and disabled.
- 6.5** The top of the tread for any entrance must be at floor level of the passenger compartment. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- 6.6** The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 metres.
- 6.7** Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be clear space of at least 66cm in front of every part of each seat squab.

- 6.8** A ramp or ramps for the loading of a wheelchair and occupant must be available at all times. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

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Private Hire Operator Rule Book

APPROVED ~~December 2018~~ October 2021

CONTENTS

1. Private Hire Operator - Application Requirements	1
New Applications	1.1
Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK	1.2
Renewal Applications	1.3
Application for a dispensation to display plates/signage	1.6
Disciplinary Action	1.15
Complaints Procedure	1.17
Penalty Points Scheme	1.18
2. Private Hire Operator - Conditions	2
Delegation of Powers	2.1
Alteration of Existing Conditions	2.4
Duration of Licence	2.5
Convictions, Cautions and Fixed Penalties	2.6
Change of address or details of licence	2.7
Responsibility for Drivers and Vehicles	2.8
Accepting Bookings	2.9
Records	2.10
Advertising	2.15
Booking and dispatch staff	2.16
Standard of Service	2.17
Location of Operator Base	2.18
Premises	2.19
3. Private Hire Operators – Requirements under legislation	3
Drivers and Vehicles	3.2
Records	3.4
Sub-contracting	3.5
Smokefree Legislation	3.7
Equality Act	3.9
Bookings made by Disabled Persons accompanied by Assistance Dogs	3.10
Planning Permission	3.12
Sale of Alcohol	3.13
4. Private Hire Operators - Glossary	4
Basic Criminal Disclosure	4.1
Licensing Authority	4.2
Premises Licence	4.3
Private Hire	4.4
Sub-contracting	4.5
Hackney Carriage/Taxi	4.6
Temporary Event Notice	4.7

CITY OF GLOUCESTER
PRIVATE HIRE OPERATORS
RULE BOOK

1. Private Hire Operator – Application Requirements

New Applications

- 1.1** To make an application, the applicant(s) must:
- a complete and submit to the Licensing Authority the appropriate application form
 - b pay the appropriate fee
 - c complete a Basic Criminal Record Disclosure application form and provide appropriate identity documentation. (Where the applicant has also submitted an application for a Taxi or Private Hire Driver Licence to the Licensing Authority, the Enhanced Criminal Record Check that is undertaken as part of that application will be accepted instead of needing to provide a Basic Criminal Record Disclosure).

Additional Application Requirements for Foreign Nationals and Persons that have resided outside of the UK

- 1.2** The Licensing Authority must be satisfied that the applicant(s) is a fit and proper person. In order to determine this, an applicant who is a foreign national or is a person who has resided outside the UK, must do the following:
- a Provide a Basic Criminal Record Disclosure application as detailed in application requirements above (unless the applicant has only just arrived in this country). The Basic Criminal Record Disclosure will show any convictions that have been committed in the UK.
 - b In addition to the Basic Criminal Record Disclosure the applicant must provide the Licensing Authority with a criminal record disclosure from all countries outside the UK where they have resided from the age of 18; or if those countries do not produce such information a certificate of good conduct from the Embassy or Diplomatic Mission from all countries outside the UK that they have resided in since the age of 18. This certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator. All costs involved in such certificates and translations must be paid by the applicant.
 - c An applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.
 - d Applications will not be accepted from foreign nationals that hold a Student Visa.

Renewal Applications

- 1.3** A renewal application must be completed prior to the expiry date of the Private Hire Operator's licence. Operators will be sent a reminder around 6 weeks before their licence is due to expire. Applications should be submitted at least 14 days prior to expiry, to ensure it can be assessed and issued on time. There is no period of grace if a renewal is submitted after the expiry date.
- 1.4** Licences will not be renewed without all supporting documentation being received. Licences renewed after the expiry date will run from the date the new licence is issued. The period from

expiry to actual renewal date will be unlicensed, and the Operator must stop taking bookings for the private hire vehicles in their fleet.

1.5 To make a renewal application, the applicant must:

- a complete and submit to the Licensing Authority the appropriate renewal application form
- b pay the appropriate fee
- c provide a Basic Criminal Record Disclosure application as detailed in application requirements above. The Basic Criminal Record Disclosure will show any convictions that have been committed in the UK.
- d an applicant must be eligible to work in the UK and, if appropriate, will need to provide evidence of this.

Applications for a Dispensation to display plates/signage

1.6 Where a private hire operator wishes to make an application for a private hire vehicle to be exempt from displaying the licence identification plates and signage they will be required to complete the appropriate application form. The application form will be accompanied by documentation that supports the application and the application fee.

1.7 Applications may only be made by the private hire operator. Applications for exemptions relating to a fleet of vehicles will not be allowed. Each application will be assessed on its own merit and each vehicle will be inspected by a licensing and enforcement officer to ensure that it is fit for purpose.

1.8 Applications for exemption may be considered where the following requirements are met;

- a) Vehicle models must be either four door saloons, or five door estates or five door hatchbacks. Applications will not normally be accepted in respect of people carrier type vehicles.
- b) Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as 'S' and 'E' Class Mercedes Benz, 7 Series BMW, Lexus 'GS' or 'LS' models, Audi A8 series, Jaguar, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers may also be considered.)
- c) The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
- d) The type of work undertaken is 'executive' in nature. This means that the vehicle is used to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.
- e) A minimum dress code of business wear must be followed at all times the vehicle is being used to undertake a booking relating to executive work.

1.9 The Council may require applicants to provide any additional documentation as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

1.10 Where an application is granted and a vehicle is exempted from displaying its external identification plates and door panels, the vehicle will also be exempted from the need to display the window internal identification disc. An exemption notice will be issued as soon as practical after the decision is made by the City Improvement and Environment Manager.

1.11 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that coincides with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

- 1.12** Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by a City Centre Improvement Officer to ensure that it continues to be fit for purpose.
- 1.13** In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by the Licensing and Enforcement Committee.
- 1.14 In addition to the criteria above, the following conditions will apply to vehicles granted an exemption from the requirement to display plates/signage:**
- a) The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
 - b) Any Vehicle granted an exemption from displaying identification licence plates will be required to keep the identification plates in the vehicle and available for examination by a City Centre Improvement Officer or any Police Officer.
 - c) In the event of loss or damage rendering such plate or notice unserviceable the proprietor shall make immediate application for a replacement for which a fee is payable.
 - d) The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
 - e) When issued with an exemption notice, the vehicle will not be required to display any other signs including the internal identification disc, window stickers and door panels) which the Council may at any time require private hire vehicles to display.
 - f) The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
 - g) During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
 - h) During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed.
 - i) The proprietor shall within 1 working day notify the Council of any change in the use of the vehicle.
 - j) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they were fitted at the time of manufacture.
 - k) The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.
 - L) The executive vehicle must not be used for any regular private hire work without all of the signage being displayed. All work must be pre booked as executive work and payment should be accepted following an invoice.

Disciplinary Action

- 1.15** A breach of any of these general conditions may result in disciplinary action in accordance with the Council's approved enforcement policy, Hackney Carriage and Private Hire Regulatory Guidelines and use of the penalty points totting up procedure.
- 1.16** The City Improvement and Environment Manager may at any time considered necessary, refer a driver or operator to the Council's Licensing and Enforcement Sub-Committee to assess their suitability to be licensed. Such matters may include: discovery of a conviction or caution, complaints against the person, accumulation of totting up penalty points on the Council's internal procedure, at least one warning within a 12 month period.

Complaints Procedure

- 1.17** Details of the Council's complaints procedure for Hackney Carriage and Private Hire can be found in the approved 'hackney carriage and private hire regulatory guidelines'.

Penalty Points Scheme

- 1.18** The council operates a penalty points system on private hire and dual driver licences to help ensure all drivers, owners and vehicles adhere to basic minimum standards, details of which can also be found in the Council's approved hackney carriage and private hire regulatory guidelines.

2. Private Hire Operator – Conditions

Delegation of Powers

- 2.1** Gloucester City Council will always have regard to this policy document and its objectives in exercising its taxi and private hire licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Council has discretion to make exceptions to this policy. Where the Council makes exceptions to this policy, clear reasons will be given for the exception being made.
- 2.2** All matters under this policy that need to be decided urgently and are either sensitive or contentious will be considered by the Head of ~~Public Protection~~ **Communities**
- 2.3** All matters under this policy that need to be decided urgently that are non-sensitive or non-contentious will be considered by the ~~Food, Licensing & Markets Service Manager~~ **City Centre Manager**.

Alteration of Existing Conditions

- 2.4** a The Council may alter these conditions upon the giving of 28 days notice in writing to the licence holder that any of these conditions are deleted, any new ones inserted or existing conditions altered.
- b Any alteration of conditions under this condition will be consulted upon in the normal way and the licence holder will have the right to appeal to the Magistrates Court. The Licensing and Enforcement Committee will consider conditions and any comments as a result of the consultation in the normal way.

Duration of Licence

- 2.5** The Licence shall remain in force for a period up to five years.

Convictions, Cautions and Fixed Penalties

- 2.6 If any person named on the private hire operator's licence obtains any convictions, cautions, fixed penalties or has a court case pending, he/she must notify the Licensing Authority in writing within ~~seven days~~ **48 Hours** of being formally notified of any such charge, summons or conviction, or in the case of a custodial sentence as soon as reasonably practical.
- 2.7 If an operator fails to notify of any cautions, convictions or fixed penalties within ~~seven days~~ **48 hours** of being formally notified of any such charge, then penalty points will be issued. If this is picked up on a renewal application and these penalty points issued take the operator over 12 within a 12 month period, then the Licensing Team will not be in a position to renew the Private Hire Operators Licence. The Licensing Team will therefore refer the operator to the Licensing and Enforcement Sub-Committee for members to decide if they continue to be a fit and proper person.

Change of address or details of Licence

- 2.8 Any person named on the private hire operator's licence must notify the Licensing Authority in writing within seven days if the information supplied in his/her application for a private hire operator's licence is altered for any reason including a change of address.

Responsibility for Drivers and Vehicles

- 2.9 An operator must ensure that all vehicles and drivers operating under his/her operator's licence are complying with the legislation and conditions relating to private hire vehicles and drivers.

Accepting Bookings

- 2.10 An operator must not accept a booking unless the person making the booking knows the fee for the hire charge.

Records

- 2.11 An operator must keep records of all bookings at their operator base in either a bound book or as a computer record which must include:

- ~~a The date and time of booking~~
- ~~b The point of the pick up~~
- ~~c The destination~~
- ~~d The name of the hirer~~
- ~~e The driver that is allocated to the booking~~
- ~~f The driver's badge number~~
- ~~g The plate number of the vehicle allocated to the booking~~
- ~~h Any other comments such as details of sub-contract~~
- a The name of the passenger
- b The time of the request
- c The pick-up point
- d The destination
- e The name of the driver
- f The driver's licence number
- g The vehicle registration number of the vehicle
- h The name of any individual that responded to the booking request
- i The name of any individual that dispatched the vehicle
- j Any other comments such as details of sub-contract

- 2.12** An operator must keep records of all private hire vehicles that he/she operates. This includes:
- a The owner of the vehicle
 - b The registration number and plate number
 - c The driver of the vehicle and badge number
- 2.13** All records should be kept for six months from the date of the last entry.
- 2.14** Details of all bookings must be entered into the records to show that they have been accepted as soon as reasonably practicable.
- 2.15** An operator shall notify the Gloucester City Council Licensing Team, in writing, within seven days of the termination of employment of a private hire vehicle or driver.

2.16 Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders. Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Advertising

- 2.17** An operator must not use the words taxi or cab or any word of similar meaning or appearance to any words in any advertising of the operator's company. Private Hire Vehicles must not display such taxi related words on the door panel at any time. See conditions relating to door panels in the private hire rule book.

Standard of Service

- 2.18** An operator shall ensure that when a private hire vehicle has been hired it shall attend punctually at the appointed time and place unless delayed or prevented with reasonable cause.

Location of Operator Base

- 2.19** The location where an operator makes provision for taking a booking must be within the Gloucester City boundaries. This may be an office address, business address or a home address.

Premises

- 2.20** If any rooms or areas are provided for the public for waiting or making bookings they must be clean, smokefree, adequately heated and ventilated and lit and have adequate seating facilities.
- 2.21** If any rooms or areas are provided for use by the public, the operator must hold public liability insurance for those areas if relevant.

3. Private Hire Operators – Requirements under Legislation

- 3.1** Licensed Drivers and Operators must ensure that they comply with the requirements of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and any other legislation applicable to their role.

Drivers and Vehicles

- 3.2** An operator must not use unlicensed drivers or vehicles.

- 3.3 An operator may only make use of drivers and vehicles licensed by Gloucester City Council.

Records

- 3.4 An operator must make available records, on request, to an authorised officer of the Gloucester City Council or to a Constable.

Sub-contracting

- 3.5 The Deregulation Act 2015 makes provisions for Private Hire Operators to sub-contract work to an operator licensed by a different local authority.

Smokefree Legislation

- 3.6 Private hire vehicles and taxis are smokefree vehicles which means that no one can smoke in these vehicles at any time and the appropriate signage must be displayed. This also includes E-Cigarettes, E-Liquid and any other vaping product. Failing to prevent smoking in a smokefree place can lead to a maximum fine of £2500 imposed on whoever manages or controls the smokefree premises or vehicle, if prosecuted and convicted by a court.
- 3.7 Any enclosed premises that are used by the public for example for making bookings or are used as a workplace must be smokefree.

Equality Act

- 3.8 The Equality Act makes it unlawful to discriminate against members of the public on the grounds of disability. The Disability Rights Commission has issued a Code of Practice on the provision and use of transport vehicles.

Bookings made by Disabled Persons accompanied by Assistance Dogs

- 3.9 An operator may not refuse to take a booking by a disabled person if the reason for that refusal is because an assistance dog will accompany the person.
- 3.10 An operator may not make an additional charge to carry an assistance dog.

Planning Permission

- 3.11 The use of a premise for a private hire operators business may require planning permission. Operators are advised to check with the Development Control Team of the Gloucester City Council Planning Services Department.

Sale of Alcohol

- 3.12 Sale of alcohol is a licensable activity under the Licensing Act 2003. Sale of alcohol is prohibited on a moving vehicle. If a sale of alcohol is part of a booking arrangement that sale must be authorised by either a Premises Licence or Temporary Event Notice in accordance with the Licensing Act 2003.

4. Private Hire Operators – Glossary

Basic Criminal Disclosure

- 4.1 A Basic Disclosure will contain details of convictions held in central police records which are unspent according to the Rehabilitation of Offenders Act 1974 or will state that there are no such convictions. The applicant applies direct to the body that provides the basic disclosure and provides to them confirmation of identity and payment of the appropriate fee. You can apply for a Basic Disclosure online at <http://www.gov.uk/request-copy-criminal-record> or by ringing 03000 200 190.

Licensing Authority

- 4.2** The Authority responsible for issuing Licenses in relation to taxi and private hire drivers, vehicles and operators under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Premises Licence

- 4.3** A licence issued by a Licensing Authority under the Licensing Act 2003 which permits licensable activities which may include sale by retail of alcohol.

Private Hire

- 4.4** The provision of a vehicle constructed or adapted to seat no more than 8 passengers and driver for hire or reward by a licensed private hire operator. This service must be booked in advance and cannot be provided at taxi stands or by hailing the vehicle concerned.

Sub-contracting

- 4.5** This is when a private hire operator takes a booking and then arranges for another licensed operator in any area to make the journey.

Hackney Carriage/Taxi

- 4.6** A Taxi is also known as a Hackney Carriage. It is defined in section 38 of the Town Police Clauses Act 1847 and is a wheeled vehicle constructed or adapted to seat no more than 8 passengers that can carry passengers for hire and reward and may stand or ply for hire in any street within the licensed district.

Temporary Event Notice

- 4.7** A Notice submitted to the Licensing Authority under the Licensing Act 2003 in relation to licensable activities, which may include the sale by retail of alcohol. There are restrictions on temporary event notices including a limit on how many can be submitted per year.



Meeting:	Licensing and Enforcement Committee	Date:	14 September 2021
	Full Council		18 November 2021
Subject:	Gambling Act 2005 – Revised Statement of Principles following 10 week consultation		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	Yes
Contact Officer:	Rebecca Tuck, Community Wellbeing Officer		
	Email: Rebecca.Tuck@gloucester.gov.uk	Tel:	396678
Appendices:	1. Revised Statement of Principles 2. Response from Gambleaware 3. Response from Gosschalks on behalf of the Betting and Gaming Council 4. Response from Gloucestershire County Council Safeguarding Panel (GCSP) 5. Draft content for webpage – ‘Problem Gambling’		

1.0 Purpose of Report

- 1.1 The committee is asked to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2022-2025 be formally approved and adopted.

2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Statement of principles and **RECOMMEND** that the revised Gambling Act 2005 Statement of Principles is approved and adopted by Council before it can advertise and publish it.
- 2.2 Council is asked to **RESOLVE** to adopt the Gambling Act 2005 Statement of Principles for 2022-2025 and to authorise the Head of Communities to publish and advertise it.

3.0 Background and Key Issues

- 3.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005
- 3.2 The Gambling Act 2005 sets out the regulatory system that governs the provisions of all gambling in Great Britain, other than the National Lottery. The Act requires us

to prepare a Statement that we propose to apply in exercising our functions under the Act.

- 3.3 The Statement is a licensing policy which sets out the general approach we will take when carrying out our regulatory role under the Act.
- 3.4 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minor's welfare institutes. The Act also provides for a system of Temporary Use Notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.
- 3.5 The Gambling Act contains three licensing objectives which underpin the functions that the Gambling Commission and Gloucester City Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
- Preventing gambling from being a source of Crime and Disorder.
 - Ensuring that gambling is conducted in a fair and open way and;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 Section 349 of the Act requires Gloucester City Council to prepare and publish a Statement of Principles that is proposes to apply in exercising its functions under the Act. The statement is a licensing policy which sets out the general approach that will be taken when carrying out its regulatory duties under the Act. This should be kept under review and must be re-published every three years.
- 3.7 The current Statement of Principles is due to expire in December 2021 and a new Statement of Principles must be in place by 31 January 2022.
- 3.8 The Act provides that the Licensing Authority must consult with:-
- The Chief Officer of Police for the Authority's area
 - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 3.9 There were no proposed changes to the Statement of Principles other than minor amendments to the Council's address details following relocation to Shire Hall and one minor change to the Max Stake for B2 machines at Appendix E of the document. In view of the minor changes having no effect on the overall content of the document it was approved for consultation by Cllr Clive Walford, Chair of the Licensing and Enforcement Committee on 11 May 2021 without the need for a full report to committee.
- 3.10 The document has been subject to a 10 week consultation between 03 June 2021 and 12 August 2021.

- 3.11 On 03 June 2021 all consultees were emailed with a link to the Council's website and invited to make a written comment.
- 3.12 During the consultation period three responses were received.
- 3.13 The first response was from Gambleaware who are an independent charity set up to fund research, education and treatment services to help to reduce gambling-related harm in Great Britain.

Gambleaware's response is generic and doesn't relate specifically to this draft statement. The Community Wellbeing Team are aware of the LGA publications that have been referred to and agree that there are a range of ways in which different Council services can support local residents who are affected by gambling related harm. We will provide leaflets in the Council's reception area for residents if and when it re-opens and will take into consideration the need to train frontline staff in recognising potential cases where harmful gambling may be present. We will create a page on our website to provide information about problem gambling. A draft of the proposed content for the webpage is attached as (Appendix 5) to this report.

The Community Wellbeing Team will continue to work with Becky Maclean the Gambling lead for Public Health at Gloucestershire County Council in developing a local area plan which will be published as a separate document on the Council's website.

- 3.14 The second response was from Gosschalks Solicitors on behalf of the Betting and Gaming Council their first comment relates to the use of the words 'promoting the licensing objectives' at paragraphs 2 and 5 of Part A. In response and in line with section 153 of the Gambling Act 2005 and the Gambling Commission's most recent guidance to licensing authorities at paragraph 6.7 it is proposed that the relevant paragraphs be amended to remove the words 'promoting the licensing objectives' to avoid any confusion with the Licensing Act 2003 and replace with 'pursue' the licensing objectives. Changes to the document can be seen shaded in grey.

Their second comment relates to Paragraph 5 of Part A headed 'Local Area Risk Assessment'. The Community Wellbeing Team agree that having reviewed the list of bullet points referred to that not all the matters are relevant to any assessment to risk to the licensing objectives and propose to amend the paragraph as follows:

This Licensing Authority will expect applicants and operators to consider factors such as:-

- *whether the premises is in an area of deprivation (refer to Part A, paragraph 3 headed City of Gloucester);*
- *whether the premises is in an area subject to high levels of crime and/or disorder;*
- *whether the premises is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;*
- *the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres libraries and other areas where children are likely to gather; and*
- *policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies are protected.*

This could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;

- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;*
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available to the designated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the Police and the Licensing Authority must be notified as soon as is reasonably practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;*
- keeping details of people who have self-excluded;*
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.*

Their third comment relates to mention of an outdated version of the 'Gambling Commissions Guidance to Licensing Authorities' within paragraph 1 of Part B. This has been amended to remove mention of the outdated version and replace with the relevant section of the Guidance namely Part 7 which remains the same in the most recent version published on 1 April 2021.

Their fourth comment relates to the section headed 'Location' on page 12 of Part B. In particular mention of where gambling premise should not be located. In response and in line with the Gambling Commission's most recent Guidance to Licensing Authorities it is proposed to amend the last sentence as follows:-

'Any revision to the policy in this regard would be justified by evidence and subject to consultation, It should be noted that any such area-specific policy would not preclude any application being made and each application will be decided on its merits and depend to a large extent on the type of gambling that is proposed for the premises'.

Their last comment relates to Part B page 14 'conditions attached to licences'. It is proposed that no change is required to this paragraph as paragraph 1 of Part B makes mention of the Mandatory and Default conditions attached to premises licences and page 14 is referring specifically to additional conditions that can be attached by the Licensing Authority where it is believed to be appropriate.

- 3.15 The third response was from Gloucestershire Safeguarding Children Partnership (GSCP). In response and to reflect the change of name of the Responsible Authority for the protection of children from harm paragraph 9 of Part A and Appendix B have been updated accordingly.

4.0 Social Value Considerations

- 4.1 There are no social value impacts, engaging effectively with communities through various media such as the consultation process positively engages with communities.

5.0 Environmental Implications

5.1 There are no Environmental Impacts.

6.0 Reasons for Recommendations

6.1 The Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.

6.2 To ensure that the Council complies with the Gambling Act 2005.

7.0 Future Work and Conclusions

7.1 The Council must publish its Statement of Principles at least 4 weeks prior to the date it is to come into effect. The effective date is 31 January 2022.

7.2 The Act requires that publication is to be:-

- On the Authority's website, and;
- For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

7.3 The Council must also advertise the publication of the Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:-

- A local newspaper circulation in the area covered by the Statement;
- A local newsletter, circular or similar document circulating in the area covered by the Statement;
- A public notice board in or near the principal office of the Authority;
- A public notice board on the premises of public libraries in the area covered by the Statement.

7.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1 January 2022. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 18 November 2021 as that is the last meeting of full Council before the 1 January 2022 deadline.

8.0 Financial Implications

8.1 There are no financial implications associated with this report. We receive income through licence fees and this covers the cost of carrying out this function.

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

- 9.1 The Act requires Gloucester City Council to prepare and approve a Statement of Principles to cover each 3 year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.
- 9.2 Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Gambling Act 2005. Section 157 of the Act provides that in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore it is lawful and entirely proper for the licensing authority to carry out both of these roles.
- 9.3 Regulation 7 of the Gambling Act 2005 requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.
- 9.4 If the Council approves that statement and advertises it for the required period prior to publication it will comply with its requirements as above.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

- 10.1 The risk management implications for this report are as follows:-
- Statement of Principles unfair, or too prescriptive;
 - Revised Statement of Principles not published on time (on or by 1st January 2022)
 - Consultation is inadequate

11.0 People Impact Assessment (PIA) and Safeguarding:

- 11.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

12.0 Other Corporate Implications

Community Safety

- 12.1 The Statement of Principles promote community safety because the Gambling Act 2005 Licensing Objectives prevent gambling from being a source of Crime and Disorder, being associated with Crime and Disorder or being used to support crime.

Sustainability

- 12.2 None

Staffing & Trade Union

- 12.3 None

Background Documents:

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (5th Edition) published 1 April 2021 last updated (13 May 2021)

LGA Tackling Gambling Related Harm – A Whole Council Approach

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

2022-2025

COMMUNITY WELLBEING

CONTENTS

	Page
PART A	
1. The Licensing Objectives	1
2. Introduction	1-2
3. The City of Gloucester	2-3
4. Local Area Profile	3
5. Local Area Risk Assessments	3-4
6. Plans	4
7. Public Health and Gambling	4-5
8. Declaration	5
9. Responsible Authorities	5
10. Interested Parties	6
11. Exchange of Information	6-7
12. Enforcement	7-8
13. Licensing Authority Functions	8
14. The Gambling Commission	9
PART B	
PREMISES LICENCES: CONSIDERATION OF APPLICATIONS	
1. General Principles	10-15
2. Adult Gaming Centres	15-16
3. (Licensed) Family Entertainment Centres	16-17
4. Casinos	17
5. Bingo Premises	17
6. Betting Premises	17
7. Tracks	17-19
8. Travelling Fairs	19
9. Provisional Statements	19-20
10. Reviews	20-21
11. Complaints	21
PART C	
PERMITS/REGISTRATIONS AND TEMPORARY AND OCCASIONAL USE NOTICES	
1. Unlicensed Family Entertainment Centre Gaming Machine Permits	22
2. (Alcohol) Licensed Premises Gaming Machine Permits	22-23
3. Prize Gaming Permits	23-24
4. Club Gaming and Club Machines Permits	24-25
5. Small Society Lotteries	25-29
6. Temporary Use Notices	29-30
7. Occasional Use Notices	30

APPENDIX A - Consultees	31
APPENDIX B - Contact Details for Responsible Authorities	32-34
APPENDIX C - Table of Delegations of Licensing Functions	35
APPENDIX D - List of Organisations that give help and advice about problem gambling	36-37
APPENDIX E - Maximum Stake and Maximum Prize by Category of Machine	38

PART A

1. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005, Gloucester City Council (“the licensing authority”) must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

Gloucester City Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority’s Statement of Licensing Policy

2. Introduction

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then republished.

Gloucester City Council will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided in Appendix A. The Gambling Act requires that the following parties are consulted by licensing authorities:-

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005.

Gloucester City Council recognises that the best means of pursuing the Licensing Objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.

In developing a Statement of Principles that will deliver the Licensing objectives locally, consultation has taken place in accordance with the revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector.

Our consultation took place between 03rd June 2021 and 12th August 2021 and we had regard to the HM Government Code of Practice.

Quays area of the City is a focus of a major regeneration and there is a substantial housing development to the south of the City in an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor.

4. Local Area Profile

This Licensing Authority will continue to work with Gloucestershire County Council's Public Health team to develop a Local Area Profile to assist applicants and licensees with their local area risk assessments. When a local area profile has been produced it will be a separate document to this Statement of Principles and will be made available on the Council's website.

5. Local Area Risk Assessment

The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Code of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risk associated with gambling.

A risk-based approach provides a better understanding of risk, and enables a proportionate response. This approach includes looking at future risks and thinking or probable risks. Risk is not necessarily related to an event that has happened, it is also related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

The LCCP states that licensees must review (and update as necessary) their local risk assessments:-

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

Local Risk Assessments apply to all Adult Gaming Centres, Family Entertainment Centres, Non Remote Betting, Non Remote Bingo, Non Remote Casinos and Betting Intermediaries (trading room only).

This Licensing Authority requires applicants to provide a risk assessment when applying for a premises licence or when applying for a variation to an existing licence.

This Licensing Authority will expect applicants and operators to consider factors such as:-

- whether the premises is in an area of deprivation (refer to part a, paragraph 3) headed The city of Gloucester);
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- the demographics of the area in relation to vulnerable groups

- policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies, are protected. this could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;
- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available on request to a delegated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the police and the licensing authority must be notified as soon as is reasonable practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;
- keeping details of people who have self-excluded;
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.

This list is not exhaustive it simply provides examples of matters that may be relevant to pursue the licensing objectives.

A significant change in local circumstances that would require an Operator to review their local area risk assessment may include:-

- a substantial building development, residential or otherwise, which could lead to an increase in children or vulnerable persons in the local area, examples may include, homeless hostels, addiction support facilities, hospitals or doctor's surgeries;
- a new or significant change to an educational establishment;
- where an increase in anti-social behaviour or alcohol/drug related behaviour in the local area has been identified;
- any new pay day loan or pawn brokers open in the local area;
- Changes are made to the location and/or timings of public transport in the local area, such as a bus stop used by children going to/from school is moved to a location within the proximity of a gambling premises;
- where there has been a significant change to the layout of a gambling premises that could undermine the promotion of the licensing objectives;

This licensing authority expects that the local area risk assessment is kept at the individual premises and that staff are aware of the content of the risk assessment and can locate it for inspection on request by a Police Officer or an Authorised Officer of Gloucester City Council or the Gambling Commission.

6. Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc.

7. Public Health and Gambling

This Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are, however, significant numbers of people who do experience significant harm as a result of their gambling.

For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling related harm in its area.

This Licensing Authority will, therefore, continue to engage with the local Public Health team in the future development of this Statement of Principles and in developing a Local Area Profile. Public Health at Gloucestershire County Council recognises gambling-related harm and considers it a key issue when assessing risk to the wellbeing of their communities. The Public Health team will be able to help the Licensing Authority:-

- identify and interpret health data and evidence to inform the review of the statement and develop a local area profile;
- make decisions that benefit and protect the health and wellbeing of local communities;
- be clear on issues which they can have regard to when deciding on licences for a wide range of gambling activities.

8. Declaration

In producing this Statement, Gloucester City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Local Authorities issued by the Gambling Commission, and any responses from those consulted on the draft Statement.

9. Responsible Authorities

Responsible Authorities are public bodies that must be notified of applications and who are entitled to make representations to the licensing authority if they are relevant to the Licensing Objectives.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:-

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities this Authority designates the Gloucestershire Safeguarding Children Partnership for this purpose. The Gloucestershire Safeguarding Partnership comprises of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as responsible authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

The contact details of all Responsible Authorities under the Gambling Act 2005 are attached as Appendix B.

10. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:-

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b).”

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:-

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at 8.11 to 8.17 (*Note: If a licensing authority does not wish to follow the Gambling Commission’s Guidance in any respect it is advised to state this in its Statement. Note though that decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission’s Guidance that the term “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Community Wellbeing on 01452 396396 or by email: community.wellbeing@gloucester.gov.uk

11. Exchange of Information

Licensing authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

12. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified

This Licensing Authority's principles are that:-

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:-

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented a risk-based inspection programme based on:-

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but should be notified to the Gambling Commission.

The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/agreements are available upon request to the

Community Wellbeing Team (email: community.wellbeing@gloucester.gov.uk). Our risk methodology will also be available upon request.

13. Licensing Authority Functions

Gloucester City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular Gloucester City Council will be responsible for:

- The licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.
- Setting and collecting licence/permit fees.
- Inspection, compliance and enforcement locally in relation to licences, permits and permissions issued under the above functions.

It should be noted that the Gambling Commission regulates remote gambling and issues personal and operating licences for premises

A table outlining how this Authority will delegate its functions under this Act is attached at Appendix C.

14. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

Information about the Gambling Commission can be found at:
<http://www.gamblingcommission.gov.uk/Home.aspx>

PART B

PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

1. General Principles

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.

Meaning of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

The licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:-

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority recommends that all holders of Premises Licences sign up to Gloucester City Safe. For further details please contact the Community Wellbeing Team on 01452 396396.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:-

Casinos

- The principal access entrance to the premises must be from a ‘street’ (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Premises "ready for gambling" - The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Location - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Any revision to the policy in this regard would be justified by evidence and subject to consultation, it should be noted that any such area-specific policy would not preclude any application being made and each application will be decided on its merits and depend to a large extent on the type of gambling that is proposed for the premises.

Planning – The Gambling Commission Guidance to Licensing Authorities states:-
In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

The authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:-

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes - This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing Objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below:-

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 17.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrance/machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This Licensing Authority will consider this licensing objective on a case by case basis. A list of organisations set up to give help and advice about problem gambling is attached as Appendix D.

Conditions - Any conditions attached to licences will be proportionate and will be:-

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:-

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff of the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:-

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.

- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises and how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This Licensing Authority will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution. Any such decision will be made by the Full Council.

Licence considerations/conditions –This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed in the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo Premises

This Licensing Authority notes that the Gambling Commission's Guidance states:-

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

A holder of a Bingo Premises Licence may make available for use, a number of Category B machines not exceeding 20% of the total number of gaming machines which are available for use.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting Premises

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines – This Licensing Authority will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or

races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:-

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:-

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:-

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

This Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:-

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Review and Customs

11. Complaints

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a mediation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to participate in a mediation meeting.

PART C

PERMITS/REGISTRATIONS AND TEMPORARY AND OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

Where a premises does not hold a premises licence but wishes to provide gaming machines of category D only, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

“ ... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... licensing authorities might wish to consider asking applications to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stake and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:-

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- measures/training for staff on how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

The Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed fecs;
- that the applicant has no relevant convictions (those that are set out in schedule 7 of the act);
- staff are trained to have a full understanding of the maximum stakes and prizes:

2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee. The

Licensing Authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant”*.

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” and “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law,

- clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:-

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit (CGP) . The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A), equal chance gaming such as poker and bingo and games of chance as prescribed in regulations (pontoon and chemin de fer only).

A Club Machine Permit (CMP) will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A).

Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.

A Club Gaming Permit or Club Machine Permit lasts for 10 years unless it ceases to have effect because it is surrendered or lapses. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:-

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:-

- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

5. **Small Society Lotteries**

Introduction

Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence issued by the Gambling Commission or, is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:-

- Licensed Lotteries (requiring an operating licence from the Gambling Commission);
- Exempt Lotteries (including small society lotteries registered with Gloucester City Council).

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:-

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lotteries;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

The Licensing Authority defines 'society' as the society or any separate branch of such a society on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Section 19 of the Act defines a society as such if it is established and conducted:-

- for charitable purposes, as defined in s2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

Applications to Register

Applicants for a small society registration must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all the necessary supporting documents required by the Licensing Authority to determine the application.

If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:-

- A list of the members of the society;
- the society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements;
- a written declaration from the applicant stating that they represent a bona fide non-commercial society.

The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application:-

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the act, or
- an application for an operating licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if they think that:-

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:-

- Whether allowing the registration of the society would be consistent with the Act;
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives;
- Whether allowing the registration of the society would be consistent with any relevant code of practice issued by the Gambling Commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

Promoting a small society lottery

Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, this Licensing Authority expects those societies that it registers to have written procedures and policies in place to help prevent and deal with lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is on the external lottery manager (elm);
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

With regards to where small society lottery tickets may be sold, this Licensing Authority applies the following criteria to all small society lottery operators:-

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Where the annual fee is not paid by the due date this Licensing Authority will cancel the small society registration. This is subject to the discretion of the Community Wellbeing Manager who shall determine whether cancellation shall apply on a case by case basis. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.

Financial Returns

As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society;
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

The following information must be submitted;-

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must;

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale;
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

This Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

Where societies run more than one lottery in a calendar year, this Licensing Authority must monitor the cumulative total of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

This Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

This Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- whether allowing the registration of the society to continue would be consistent with the act;
- whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives;
- whether allowing the registration of the society to continue would be consistent with any relevant code of practice issued by the gambling commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

5. Temporary Use Notices

A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no.3157 : The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

This Authority will notify the Gambling Commission of any notices made under this provision and share with them any relevant information.

CONSULTEES

The Authority intends to consult the following on the content of this Statement of Principles:-

- Betting and Gaming Council
- British Amusement Catering Association (BACTA)
- The Bingo Association
- The British Association of Leisure Parks, Piers & Attractions Ltd (BALPPA)
- Chief Officer of Police
- Elected Members of Gloucester City Council
- Richard Graham MP
- Citizens Advice Bureau
- GamCare
- Gamblers Anonymous
- Holders of existing licences, permits and registrations who will be affected by the provisions of the Act
- Licensed Victuallers Association
- Lotteries Council
- Responsible Authorities
- Quedgeley Town Council
- Responsibility in Gambling Trust
- Elected Members of Gloucestershire County Council

CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

LICENSING AUTHORITY

Gloucester City Council
Community Wellbeing

Shire Hall
Westgate Street
Gloucester
GL1 2TG

Telephone: 01452 396396

Email: community.wellbeing@gloucester.gov.uk

LOCAL PLANNING AUTHORITY

Development Control Service Manager
Gloucester City Council

Shire Hall
Westgate Street
Gloucester
GL1 2TG

Telephone: 01452 396776

Fax: 01452 396779

Email: development.control@gloucester.gov.uk

THE GAMBLING COMMISSION

Victoria Square House
Victoria Square
BIRMINGHAM
B2 4BP

Telephone: 0121 230 6500

Fax: 0121 233 1096

Email: info@gamblingcommission.gov.uk

GLOUCESTERSHIRE CONSTABULARY

Licensing Unit
Community Engagement Dept.
Police HQ
No1 Waterwells
Quedgeley
Gloucester
GL2 2AN

Telephone: 01452 754482

Email: licensing@gloucestershire.pnn.police.uk

The main Police switchboard number is 0845 090 1234.

GLOUCESTERSHIRE FIRE AND RESCUE

Chief Fire Officer
Fire Service Headquarters
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Telephone: 01452 753333
Fax: 01452 753304
Email: fire@glosfire.gov.uk

GLOUCESTERSHIRE GSCP

Gloucestershire Safeguarding Children Partnership (refer to paragraph 9 of Part A for partnership details)

Email: licensing@gloucestershire.pnn.police.uk

HM REVENUE & CUSTOMS

Excise Processing Teams
BX9 1GL
United Kingdom

Telephone 0300 322 7072 Option 7
Email nrubetting&gaming@hmrc.gsi.gov.uk

For relevant premises e.g. vessels, the following may also be Responsible Authorities:

SOUTH WALES AND BRITISH WATERWAYS

Canal & River Trust
The Dock Office
Commercial Road
Gloucester
GL1 2EB

E-mail [enquiries.southwalessevern @canalrivertrust.org.uk](mailto:enquiries.southwalessevern@canalrivertrust.org.uk)

ENVIRONMENT AGENCY

Riversmeet House
Newtown Industrial Estate
Northway Lane
Tewkesbury
Gloucestershire
GL20 8JG

SECRETARY OF STATE

DCMS
2-4 Cockspur Street
London
SW1Y 5DH

(Note in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)

Telephone: 020 7211 6200
email: enquiries@culture.gov.uk

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)

10 Brick Street

London

W1J 7HQ

Tel: 0207 518 0023

Fax: 0207 518 0174

Email: enquiries@rigt.org.uk

Citizens Advice

Gloucester and District Citizens Advice Bureau

Messenger House

35 St Michael's Square

Gloucester

GL1 1HX

Tel: 01452 527202

Gam Anon

PO Box 5382

London

W1A 6SA

National Help Line: 08700 50 88 80

Midlands 0121 233 1335

Gamblers Anonymous (UK)

Birmingham 0121 233 1335

Gam Care

2nd Floor

7-11 St John's Hill

London

SW11 1TR

Tel: 020 7801 7000

Fax: 020 7801 7033

Email: info@gamcare.org.uk

Gordon House Association

43-47 Maughan Street

Dudley

West Midlands

DY1 2BA

Tel: 01384 241 292

Email: help@gordonhouse.org.uk

NCH Children's Charity
85 Highbury Park
London
N5 1UD
Tel: 020 7704 9037
Fax: 020 7704 7134

NHC South West
Horner Court
637 Gloucester Road
Horfield
Bristol
BA7 0BJ
Tel: 01179 354 440
Fax: 01179 512 470

National Debt Line
Tel: 0808 808 4000

APPENDIX E

Category of Machine	Maximum Stake	Maximum Prize
A	No category A gaming Machines	Are currently permitted
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

Rebecca Tuck

From: Community Wellbeing
Sent: 13 July 2021 11:48
To: Rebecca Tuck
Subject: FW: Consultation on Draft Revised Statement of Principles 2022-2025

One for you Becky

From: Info <info@gambleaware.org>
Sent: 13 July 2021 10:25
To: Community Wellbeing <Community.Wellbeing@gloucester.gov.uk>
Subject: RE: Consultation on Draft Revised Statement of Principles 2022-2025

CAUTION: This email originates from outside the organisation. Do not click links or open attachments unless you trust the sender and know the contact is safe. Contact IT if in doubt

Dear Rebecca,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- ☐ <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- ☐ <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also www.begambleaware.org. Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best regards,
Natalie

Natalie Simpson
Company Secretary

GambleAware[®]

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GOSSCHALKS

BY EMAIL AND POST
FAO Rebecca Tuck
Gloucester City Council
Shire Hall
Westgate Street
Gloucester GL1 2TG

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS3948058
Your ref:
Date: 30 June 2021

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principle objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W www.gosschalks.co.uk DX 11902 – Hull

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Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems. Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the statement of principles, draft for consultation 2022-2025

On behalf of the Betting and Gaming Council, we welcome the light touch approach to Statement of Principles.

There are references in paragraphs 2 and 5 of Part A to promoting the licensing objectives. We respectfully submit that these references should be amended. Whilst the concept of the promotion of the licensing objectives is fundamental as far as Licensing Act 2003 applications are concerned, application for premises licences under Gambling Act 2005 are required to be “reasonably consistent with the licensing objectives”. Neither the City Council nor the operator is required to “promote” the licensing objectives. Indeed, the only body required to promote the licensing objectives under Gambling Act 2005 is the Gambling Commission itself. To avoid confusion with the requirements under Licensing Act 2003, we respectfully submit that these references should be amended.

Paragraph 5 of Part A explains the requirements under the LCCP for gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling premises and to have policies, procedures and control measures to mitigate those risks.

Within that paragraph there is a list of bullet points of examples of factors to be taken into account. Whilst we appreciate that these are only examples, this list of bullet points needs to be re-drafted to remove matters that cannot be relevant to any assessment to the risk to the licensing objectives. For example, areas that are prone to issues of youths participating in antisocial behaviour such as activities as graffiti / tagging, under age drinking etc are issues of nuisance. These are not relevant considerations in the context of a Gambling Act 2005 risk assessment. Similarly, demographics, the ethnic profile of residents in the area and gaming trends that may mirror days for financial payments are not relevant to any assessment of risk to the licensing objectives. The only way ethnicity or gaming trends mirroring benefit payments could be relevant is if the Licensing Authority has pre-determined that persons in receipt of benefits or persons of a particular ethnicity are either automatically vulnerable or more likely to commit crime as a result of gambling. This cannot be the case.

Within paragraph 1 of Part B, there is reference to the third edition of the Gambling Commissions Guidance to Licensing Authorities. This is a very old reference (with the fifth edition being published in 2015) and this reference should be amended to refer to the latest version being published in 2021.

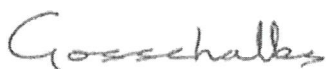
Part B contains a section headed "location". This section refers to the possibility of a specific policy relating to areas where gambling premises should not be located. Thereafter, the paragraph appears to create a rebuttable presumption of refusal akin to a Licensing Act 2003 cumulative impact area. These references should be removed. Location will always be relevant in the context of whether a particular proposal is consistent with the licensing objectives. The potential policy referred to in the paragraph, however, is likely to be unlawful and is certainly contrary to the Section 153 "aim to permit" principle and therefore references to it and the rebuttable presumption which creates an onus on the applicant overcoming concerns should be removed.

Part B also contains a section explaining the Licensing Authority's approach to premises licence conditions. This section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. The section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

For the purposes of the policy I would recommend that the district name the Gloucestershire Safeguarding Children Partnership (GSCP) as a Responsible Authority regards the safeguarding of children. The GSCP Executive would consider that its represented already as both the Constabulary and Public Health are a Responsible Authority. The GSCP would then set out in their 'Published Arrangements' its arrangements under the Licensing Act and Gambling Act. I'm in the process of updating the paper I sent you to add the Public Health details too.

You may want to adopt the wording I've suggested below as this may suffice once the discussion has been had and requires the GSCP Executive to review those arrangements periodically. This then would allow for any possible change to the suggested approach

Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Guidance the Licensing Authority has designated the Gloucestershire Safeguarding Children Partnership (GSCP), comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

On that basis we may need to discuss the contact details as the Business Unit is not a suitable location to be listed and with the above there is no need for any other contact other than the police and Public Health. If in the body of your policy you have the above wording and in our Published Arrangements we set out who the GSCP nominate the duty to, tallying with the list of Nominated Authorities in your contacts list that should square the circle.

I have this sent to FOD and Cotswolds too and am already discussing with the constabulary.

Happy to discuss further

Hope this helps?

Regards

Dave Jones

Business Manager

Gloucestershire Safeguarding Children Partnership

Tel: 01452 583623

Please sign up to GSCP Alerts at <https://www.gloucestershire.gov.uk/gscp>

The notification of a child death can now be made through Gloucestershires eCDOP portal.

<https://www.ecdop.co.uk/gloucestershire/Live/public>

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Problem Gambling

What is problem gambling?

There is no agreed definition of problem gambling, but a problem gambler might display some of the following characteristics:

- Uncontrolled spending e.g. a person spending more money than they want to or can afford.
- Significant amounts of time spent gambling.
- Concealing or lying about gambling behaviour.
- A persons gambling impacts on their relationships with family and friends.
- Withdrawal from family or other social activities.
- Spending lots of time on a computer.
- No apparent interests or leisure pursuits.
- Absence from school, college or work.

What can I do if I am worried about my gambling?

If you are concerned about your own gambling, you should seek professional support to help you. There are lots of different support agencies that are able to offer safe, confidential and non-judgmental help:

Healthy Lifestyles Gloucestershire (*link to website*)

Ara Recovery4all – 0330 1340 286 (*link to website*)

Gamcare has a telephone number **0808 8020 133**, an online forum and chatroom and NetLine. (*link to website*)

Gamblers Anonymous (*link to website*)

NHS Choices (*link to website*)

If you would like to speak to somebody about a gambling problem the GamCare Helpline provides confidential advice, information and emotional support throughout the UK to anyone experiencing problems. You can speak to one of their trained advisors by calling 0808 8020 133, 8am to midnight 7 days a week.

I know somebody who I think is a problem gambler, what should I do?

Consider the following questions:

- Is their gambling habit causing you or them to get into financial difficulties>
- Are they defensive or aggressive when challenged about the amount of time that they are gambling?
- Have they asked you to lie for them, or sworn you to secrecy about their gambling?

- Is their gambling habit putting a strain on your relationship?
- Have they asked to borrow money from you, or have they taken money from you, or have they taken money without your permission to use for gambling?
- If the answer to any of the above questions is 'yes' and you feel worried or anxious about the situation then you should seek professional support to help you and them.

If you would like to speak to somebody about a gambling problem you can contact the GamCare helpline by calling 0808 8020 133.

GamAnon is an organization linked to Gamblers Anonymous which provides support and encouragement for the families and friends of compulsive gamblers, and helps them to understand the problem and to help overcome it.

What responsibility do the operators have?

Under the Gambling Act 2005 all gambling companies licensed in the UK have a duty of care to their customers and must carry out their operations with a view to protecting the children and other vulnerable persons from being harmed or exploited by gambling. Operators are encouraged to use the following measures to help achieve this objective.

- Place leaflets on the premises in a prominent position that contain assistance to problem gamblers.
- Offer customers the opportunity to self exclude
- Place stickers or notices on gaming machines to identify the stakes/prizes
- Place stickers/posters with GamCare helpline and website in prominent locations such as on ATM machines.
- Consider the positioning of ATM machines on premises to ensure customers have to stop gambling in order to make cash withdrawals.

If you are an operator who would like further advice on any of the above schemes please contact us. You can also get further advice by contacting the Gambling Commission



Meeting:	Licensing and Enforcement Committee	Date:	14 September 2021
Subject:	Members Update for Licensing and Enforcement Committee		
Report Of:	Head of Communities		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
	For Information		
Contact Officer:	Darren Mountford, Licensing Team Leader		
	Email: darren.mountford@gloucester.gov.uk		Tel: 396240
Appendices:	1. Licensing Forward Plan		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out from 1 June 2021 to 31st August 2021, including applications and service requests received, details of any enforcement work, progress updates of our work plan and any changes in Licensing Law.
- 1.2 To seek suggestions from members as ways to improve the format and content of this report.

2.0 Recommendations

- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

- 3.1 During this quarter, the licensing functions were carried out by the Licensing and Community Wellbeing Teams.

Licensing Applications

- 3.2 Between 1 June 2021 and 31st August 2021 a total of **314** licensing applications were received,
- 3.3 In addition to the administration of licensing applications a number of service requests are also received. These can consist of complaints and enquiries about various Licensing matters.

4.0 Enforcement Work

Sub-Committees Held between June 2021 and August 2021

Licensing Act 2003 Review Hearing

- 4.1 On 1 July 2021 the Licensing Sub-Committee heard an application to review the Premises Licence at Sedoos Stop, 25 London Road, Gloucester made by Gloucestershire Constabulary. During the mediation period Gloucestershire Constabulary and the agent representing the Premises Licence Holder agreed 16 conditions. These Conditions were presented to the Licensing Sub-Committee during the meeting and the Committee resolved to modify the conditions of the Premises Licence as per the 16 conditions put forward by Gloucestershire Constabulary and agreed by those representing Sedoos. Apart from one condition where Committee amended the ABV from 9% to 7.5% for the sale of Beer, Lager and Cider in line with the other stores in the area.
- 4.2 On 29 July 2021 the Licensing Sub-Committee heard an application to review the Premises Licence at WAG 3, 38 Bristol Road, Gloucester made by Gloucestershire Trading Standards. The Licensing Sub-Committee resolved to issue a general warning about how the Licence Holder conducts their business and to suspend the licence for a period of 21 days.

Out of Hours and daytime Enforcement

4.3 Taxi and Private Hire Enforcement

Licensing Officers have continued to monitor activities of drivers and conditions of their Licence by issuing penalty points for failure to display door signs and not displaying their plates in the correct manner.

4.4 Licensed Premises

Licensing Officers have a close working relationship with the Police, Trading Standards and Environmental Protection and regularly share information to ensure compliance at licensed premises.

Premises have continued to be monitored where reports have been received of Licences not being adhered to.

Officers have continued to work with the Police and visited off licences and late night refreshment premises to make sure that they are complying with their licence conditions and that all their paperwork is up to date.

Officers have been visiting premises where annual fees have not been paid.

4.5 Gambling Act

- Officers will restart pro-active inspections now businesses have opened up again.
- Statement of principles has been reviewed and consulted on and a report will be going to L&E on 14 September and Full Council on 18 November for approval.
- Central Government are carrying out a review of the Gambling Act 2005, a report following their findings will be published in 2021.
- Currently we have 13 Betting Shops, 2 Bingo Premises and 1 pending and 3 Adult Gaming Centres (AGC's) licensed.

4.6 Scrap Metal Act

Policy remains fit for purpose at this time, but will be kept under review and if there are any changes to the legislation that will affect the policy we will review it then. The price of scrap has increased, and we have had several reports of unlicensed collectors in Gloucester so we will be looking to arrange a multi-agency operation involving the Police, EA and VOSA in the near future.

There is a new requirement from April 2022 requiring applicants for a scrap metal dealers licences, sites and collectors to carry out a tax check by providing information to HMRC, which will include a question about whether income from the licensed activity has been declared to HMRC, where the applicant is chargeable to tax. HMRC will provide information to Councils on achieving this shortly.

4.7 Animal Welfare Act

One Unlicensed Dog Breeding establishments is currently being investigated. Two Community Wellbeing Officers have completed the online and practical sessions for the City and Guilds Level 3 Certificate in Inspecting Licensable Activities Involving Animals. By gaining this qualification will enable the Officers to undertake inspections of animal establishments.

Officers have been working on updating Gloucester City Councils website with Covid guidelines and a link provided to CFSG which has all the latest government guidelines.

5.0 Legislative Updates

None

6.0 Future Work

None

7.0 Forward work plan and Conclusions

7.1 The table in appendix 1 outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 12 months. As the year goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items listed illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

7.2 At each quarterly Licensing and Enforcement Committee meeting, we will continue to update Members on any activities carried out in the last quarter, this will include a summary of what has happened in the team, including number of new Licences, any enforcement work carried out and details of any appeals or prosecutions held, the outcomes of those hearings and any further court cases pending.

8.0 Financial Implications

8.1 There are no financial implications attached to the recommendations in this report.

(Financial Services have been consulted in preparing this report.)

9.0 Legal Implications

9.1 There are none at this time.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 In Compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty. There is no risk to the Authority connected to this report, as it is for information only.

11.0 People Impact Assessment (PIA):

11.1 There are no key decisions included in this report.

11.2 A separate PIA will be carried out for each Policy when it is brought before the Licensing and Enforcement Committee.

12.0 Other Corporate Implications

Community Safety

12.1 None

Sustainability

12.2 None

Staffing & Trade Union

12.3 None

Background Documents: None

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Licensing Forward Plan

LICENSING AND ENFORCMENT COMMITTEE	POLICY ITEM
September 2021	<ul style="list-style-type: none"> • Results of the Consultation to Gloucestershire Common Standards for Hackney Carriage and Private Hire Driver Licensing • Quarterly Licensing Update for Members • Statement of Principles (Gambling Act) results following consultation
December 2021	<ul style="list-style-type: none"> • Licensing Fees • Quarterly Licensing Update for Members • Gloucestershire Common Standards for Hackney Carriage and Private Hire Vehicle Licensing
March 2022	<ul style="list-style-type: none"> • Quarterly Licensing Update for Members • Street Trading Policy review • Gloucestershire Common Standards for Hackney Carriage and Private Hire Vehicle Licensing

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