



Borough of Tamworth

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LICENSING COMMITTEE

5 October 2022

Dear Councillor

A meeting of the Licensing Committee will be held in **Town Hall, Market Street, Tamworth on Thursday, 13th October, 2022 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line that tapers to a point on the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence
- 2 Minutes of the Previous Meeting (Pages 5 - 8)
- 3 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

4 Revised Statement of Licensing Policy 2023 - 2026 (Pages 9 - 146)

(Report of the Assistant Director of Growth & Regeneration)

5 Revised Gambling Act 2005 Statement of Principles (Policy Statement) 2023 - 2026 (Pages 147 - 190)

(Report of the Assistant Director of Growth and Regeneration)

6 Hackney carriage and Private Hire Licensing Policy 2023 - 2027 (Pages 191 - 468)

(Report of the Assistant Director, Regeneration and Growth)

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

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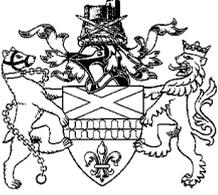
If a member of the public is particularly concerned about accidental filming, please contact a member of Democratic Services before selecting a seat

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: B Price, T Clements, M Bailey, D Box, R Claymore, C Cooke, A Cooper, S Doyle, M J Greatorex, J Oates, S Smith, J Wade and J Wadrup.

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MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD ON 23rd JUNE 2022

PRESENT: Councillor B Price (Chair), Councillors T Clements (Vice-Chair), S Doyle, R Kingstone and J Oates

The following officers were present: Anna Miller (Assistant Director – Growth & Regeneration), Wendy Smith (Head of Environmental Health) and Tracey Pointon (Legal Admin & Democratic Services Manager)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor's M Bailey, D Cook, C Cooke, A Cooper, M Greatorex, S Smith, P Thurgood, J Wade, J Wadrup

2 APPOINTMENT OF VICE-CHAIR

Councillor Tina Clements was elected as Vice Chair

(Moved by Councillor B Price and seconded by Councillor J Oates)

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 12th April 2022 were approved and signed as a correct record.

(Moved by Councillor B Price and seconded by Councillor T Clements)

4 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

5 STATEMENT OF PRINCIPLES - GAMBLING POLICY

Report of the Assistant Director Growth and Regeneration to approve the Gambling Statement of Principles and agree to its consultation.

The committee noted the issuing of the new Gambling Policy and Statement of Principles 2022 – 2025 for consultation; and noted that the consultation response would be brought back to committee for consideration later in the

year.

6 HACKNEY CARRIAGE FARE INCREASE

Report of the Assistant Director Growth & Regeneration to consider an application from Tamworth Hackney Carriage and Private Hire Association for an increase in the prescribed Hackney Carriage fare rate.

There was a change to the original recommendations in the report

RESOLVED: That the Committee

1. considered the request received from the Hackney Carriage and Private Hire Association in relation to the increase to the current Hackney Carriage fare rates, (attached at Appendix 3) be considered, approved and implemented or amended by the committee.
2. recommended to Cabinet to approve the issuing of Notice of the intention to increase hackney carriage fares by advertising in local press for a consultation period of 14 days.
3. recommended to Cabinet that if no objections are received, the Assistant Director Growth & Regeneration be authorised to bring the new fare structure into force on a day deemed suitable to re-calibrate taximeters ; and
4. Agreed that in the event of objections being received Cabinet delegate authority to the Assistant Director Growth and Regeneration and the Chair of the Licensing Committee to consider any objections.

(Moved by Councillor S Doyle and seconded by Councillor R Kingstone)

7 DELEGATED POWERS FOR URGENT REVOCATIONS OR SUSPENSIONS TO TAXI LICENCES

Report of the Assistant Director for Growth and Regeneration to approve that the proposal is made to full Council that Council delegates the power for urgent suspensions and revocations as set out in this report in order to ensure public safety.

RESOLVED: That the Committee

1. recommends to full Council that full Council delegates to Assistant Director Growth and Regeneration (or Head of

Environmental Health) in consultation with the Chair (or vice chair) the delegation to immediately suspend or revoke a Hackney Carriage / Private Hire vehicle drivers licence where it is considered necessary in the interest of public safety and:

2. recommends to full Council that a 'fast track' procedure be adopted to re-licence those drivers who have had their licence revoked but have subsequently been found to be fit and proper.

(Moved by Councillor R Kingstone and seconded by Councillor T Clements)

Chair

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Thursday, 13 October 2022

Report of the Assistant Director of Growth & Regeneration

REVISED STATEMENT OF LICENSING POLICY 2023 - 2025

Exempt Information

None

Purpose

To seek approval for the revised draft Statement of Licensing Policy 2023 - 2025 as suitable to go out to consultation.

To review the authority's Cumulative Impact Policy (which forms part of the Statement of Licensing Policy 2023-2025) as part of the consultation process.

Recommendations

Committee to endorse the draft Statement of Licensing Policy and associated review of the Cumulative Impact Assessment and approve the documents for public consultation concluding on 13th November 2022.

Executive Summary

The Council is under a duty to keep its Statement of Licensing Policy under review every five years and a review of the Councils Cumulative Impact Assessment every three years.

That said, it is proposed that the revised policy (2023 – 2025) will be reviewed in 3 years. This is because the revised statement of licensing policy includes a proposed cumulative impact assessment and legislation in relation to cumulative impact assessment requires that the assessment is reviewed and consulted upon every 3 years from the date it comes into force. It is therefore sensible to have the same review cycle given that the Cumulative Impact Assessment is integral to the Licensing policy. However, as part of the discussion on both documents if the Cumulative Impact Assessment is removed from the Statement of Licensing Policy, eg no longer required, the revised Licensing policy will become effective in 2023 until 2027, a duration of five years in line with guidance

The Licensing Act 2003 requires the Council as the Licensing Authority to carry out a formal review, consultation and re-publication of its Statement of Licensing Policy and Cumulative Impact Assessment.

The Licensing Policy sets out the principles that the authority will apply to promote the Licensing Objectives when making decisions on applications for licences made under the Act for the subsequent three years.

The four licensing objectives being:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Tamworth Borough Council currently has a Statement of Licensing Policy which includes a Cumulative Impact Assessment which is attached at Appendix 1.

The draft Statement of Licensing Policy 2023 – 2025 has been created and updated by Tamworth Borough Council officers together with relevant government documents and is attached at Appendix 2.

A summary matrix of the changes can be found at Appendix 3.

Cumulative Impact Assessment

Cumulative impact is defined as the potential impact on the promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. In some areas where the number, type or density of licensed premises, such as those selling alcohol; or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises.

Such problems generally occur when large numbers of drinkers are concentrated in one area at peak times when queuing for transport or food. These can attract criminal activity such as drug dealing or street robbery. The effect of this type of concentration of people can also place increased pressure on local transport and public services resulting in littering and/or public nuisance.

Staffordshire Police in their role as “Responsible Authority” under the Licensing Act 2003 have submitted a report to retain the Cumulative Impact Area in Tamworth.

The area was approved and has been in force since May 2005 and is now due for review as part of the three year review of the Boroughs Statement of Licensing Policy 2023 - 2025.

Cumulative Impact Policies can be introduced where there is a combined impact or cumulative effect of licensed premises on one or more of the four Licensing Objectives, namely crime and disorder, the protection of children from harm, public safety and public nuisance.

The area has now been reassessed and evidence produced to justify the policy.

The public consultation exercise is intended to be held between the 17th October 2022 and 13th November 2022.

Following the public consultation exercise the draft policy together with any suggested amendments will appear before the Licensing Committee for comment and consideration before being presented to Full Council for adoption.

Options Considered

The Committee could consider not consulting on the proposed draft policy; however this would not accord with good governance or best practice

Resource Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal/Risk Implications Background

The Council is required by the Licensing Act 2003 to ensure that the policy is reviewed and updated.

Equalities Implications

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Environment and Sustainability Implications (including climate change)

Tamworth Borough Council's licensing policy and the proposed cumulative impact assessment will form a central part in the support, control and regulation of the economy, in particular evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder. The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with the appropriate use of the review process can significantly contribute towards crime reduction and enhance Tamworth's reputation as a place to live and visit.

Background Information

The Licensing Act 2003 requires that licensing authorities prepare and publish a statement of its licensing policy every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. That said, it is proposed that the revised policy (2023 – 2025) will be reviewed in 3 years. This is because the revised statement of licensing policy includes a proposed cumulative impact assessment and new legislation in relation to cumulative impact assessment requires that the assessment is reviewed and consulted upon every 3 years from the date it comes into force.

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

The proposed cumulative impact assessment relates to the Tamworth Town Centre area. The Town Centre area has been subject to a Cumulative Impact Policy as part of the Council's Statement of Licensing Policy since May 2005. Further information and evidence in respect of the cumulative impact assessment can be found in Appendix 3 of the Draft Statement of Licensing Policy. The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case

As the two policies/documents are intrinsically linked, it is proposed that they should be consulted upon and reviewed at the same time. The Statement of Licensing policy must be revised, adopted and published by 31 December 2022. The Cumulative Impact Assessment is also presented for consideration and adoption.

Report Author

Sarah Gear

Sarah Gear – Senior Licensing Officer

List of Background Papers

Licensing Act 2003

Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 issued April 2018

Appendices

1. Appendix 1: Current Statement of Licensing Policy 2020-2023
2. Appendix 2: Revised Statement of Licensing Policy 2023-2025
3. Appendix 3: Matrix of changes

Statement of Licensing Policy

2020 - 2023

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TAMWORTH BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2020 – 2023

1 INTRODUCTION

The Licensing Act 2003 came into force on 24 November 2005. From that date the Licensing Authority became responsible for issuing authorisations for premises in the Borough in respect of the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.

The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts.

Tamworth's resident population of around 76,800 (Source – Census 2011, ONS) makes it one of the main urban centres in Southern Staffordshire. It has the highest population density (24.2 people per hectare) of all Southern Staffordshire districts and second only to Stoke on Trent (25.8 people per hectare) in the County as a whole.

The Borough has a wide range of recreational facilities including the Snowdome, an indoor real ski slope (the first in Europe), an athletics stadium, a football stadium, leisure centres, indoor bowls and a 26 lane ten-pin bowling alley. It also has a ten-screen cinema, nightclubs, pubs and restaurants.

2 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY PURPOSE AND SCOPE

This licensing policy statement sets out the manner in which Tamworth Borough Council (the Licensing Authority) will consider applications for licences as required by the Licensing Act 2003 (the Act).

The Licensing Authority's policy relates to all licensing activities falling within the provisions of the Act, namely:

- The sale of alcohol by retail; (including for consumption on or off premises, with or without food;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment to the public, club members or with a view to profit;
- the provision of late night refreshment.

In carrying out its functions the Authority will not only have regard to this policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act (referred to as “the guidance”).

The guidance makes it clear, and the Authority recognises that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises.

However, licensees should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter to the extent that these matters are within their control.

Licensing will, however, be one of the key factors in managing the evening and night time economy particularly in town centres and any other places as identified ‘high risk’ areas in partnership with the police and other responsible authorities.

The Local Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder in its area and will continue to work in partnership with the police, responsible authorities as defined by the Act, local businesses, local people and others towards the promotion of all the licensing objectives.

Regulated Entertainment

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- A performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music (not incidental music, i.e. piano in a restaurant);
- any playing of recorded music;
- a performance of dance;
- provisions of facilities for making music;
- entertainments of a similar description to the performance of live music, the playing of recorded music and the performance of dance where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

Subject to the qualifying conditions, definitions and the exemptions, entertainment facilities include facilities for enabling persons to take part in entertainment for the purpose of, or for the purposes that include the purpose, of being entertained:

- a) Making music;

- b) dancing;
- c) entertainment of a similar description to making music or for dancing.

Late Night Refreshment

Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11:00pm and 5:00am of hot food or drink for consumption on or off the premises.

The policy will apply in respect of new consents, renewals, transfers and variations to the following:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- Temporary Event Notices.

The licensing authority must have regard to the guidance issued by the Secretary of State for Culture, Media and Sport in discharging its functions under the Act and this statement of licensing policy has been prepared taking into account guidance issued under section 182 of the Act.

Consultation

Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every 5 years. However, this policy (2020 – 2023) will be reviewed in 3 years. This is because the licensing policy now includes a Cumulative Impact Assessment. The legislation requires that the Cumulative Impact Assessment is reviewed every 3 years and therefore the Statement of Licensing Policy will be reviewed at the same time. During the three year period the Authority will keep the policy under review and may make any amendments to it as it considers necessary. The Act makes provision for this policy to be the subject of consultation and in developing this policy the Licensing Authority has consulted a wide range of organisations including statutory consultees as follows:

- Chief Officer for Police for Staffordshire;
- Chief Fire Officer for Staffordshire;
- Representatives of local holders of existing licences, within the meaning of Part 1 of Schedule 8 to the Act;
- Representatives of local holders of club premises certificates within the meaning of the Licensing Act 1964.

The Licensing Authority has also consulted a range of non statutory consultees including:

- Staffordshire County Council – Department of Social Care and Health;
- Tamworth Community Safety Partnership;

- Bodies representing consumers;
- Officers within the Borough Council responsible for Regeneration Growth and Development, Health and Safety, Environmental Protection.

The views of all consultees have been given proper weight in the preparation of this policy document.

When approved, the statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act.

3 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES

In exercising its duties and responsibilities under terms of the Licensing Act 2003, the Licensing Authority will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. In exercising its powers under the Act, the Licensing Authority will have regard to any relevant guidance issued by the Secretary of State under section 182 of the Act.

The Licensing Authority will exercise its duties so that the licensing objectives of the Act are met. The licensing objectives are:

- The prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Licensing Authority confirms that each of these objectives is considered to be of equal importance.

Applications, Notices and Representations

The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act, are made in accordance with the Act and statutory guidance. In particular all such applications must be accompanied by the appropriate fee, where applicable, to be deemed duly made. Where applications are incomplete or inadequate and therefore not duly made, the whole application will be returned to the applicant. The Licensing Authority will do all that it can in such circumstances to provide guidance to an applicant on the reasons for the applications return. Where such applications are statutorily required to be advertised, or notified to other specified persons, the application must confirm that such advertising or notification has been properly made.

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this licensing policy, statutory requirements and current guidance issued by the Secretary of State. In order to maximise administrative speed, efficiency and cost effectiveness, the application will be determined in accordance with the delegation criteria detailed in section 13 of this policy.

The Licensing Authority will encourage all applicants intending to submit an application under the Act to carefully consider within the operating schedule accompanying the application, the steps that they propose to promote each of the licensing objectives.

Applicants should make themselves aware of the Licensing Authority's statement of licensing policy, in particular the issues that will need to be addressed in producing the operating schedule.

Prospective holders of new premises licence and those seeking variations to existing licences are advised to consult with the Licensing Authority's licensing officers and other responsible authorities early in the planning stage in order to reduce the risk of confusion and dispute arising.

The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base.

It will also expect that where such representations are made by interested parties and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Whenever feasible, the Licensing Authority will facilitate discussions between the applicants and objectors to assess whether a compromise can be agreed between both parties. Where such agreements are reached, the Licensing Authority after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.

When one part of the Licensing Authority seeks a premises licence from the licensing authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application considered by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

Hearings and Determinations

Where an objection is received concerning the grant or variation of a licence for any purpose regulated by the Act, the matter will be determined in accordance with the terms of this licensing policy. The objection will be considered in accordance with the delegation criteria listed in the table in Section 13 of this policy.

Where the complaint or objection has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing this fact.

Where “relevant representations” (as defined in section 18(6), 31(5), 35(5), 52(7), 72(7), 85(5) and 88(7) of the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants will be advised of all representations and all parties involved will be informed of the time and place of the hearing.

Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under sections 19, 20, 21, 73 and/or 74 of the Act.

Where, however, an application for review of an existing premises licence or club premises certificate is received in accordance with sections 52(1) or section 88(1) of the Act, respectively, the Licensing Authority will hold a hearing to consider it, whether or not representations are received. The application for review will be considered in accordance with the delegated criteria listed in the table at section 13.

The Licensing Authority will take steps to reject applications, to impose or modify conditions, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps necessary for promoting one or more of the licensing objectives.

In relation to a refusal to grant a licence or club premises certificate, the notification will detail the grounds for the refusal and specify the process for the applicant to appeal against the Licensing Authority's decision.

Where an application for review has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing of this fact.

When an application to review a premises licence or club premises certificate has been determined in accordance with the procedures detailed above, the licence or certificate will either:

- Continue in operation unaltered;
- be modified and the terms and conditions changed in accordance with the Licensing Authority's decision, or
- be cancelled.

The Licensing Authority will determine the date upon which the decision will take effect and the licence holder and applicant for review advised accordingly.

In relation to a modification or the cancellation of a licence or club premises certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.

Conditions

The Authority will only be able to attach conditions (other than mandatory conditions) to a premises licence or club premises certificate if they are part of an applicant's operating schedule (including any conditions which may be subsequently volunteered by an applicant as a result of mediation following a representation), or by a decision of a Licensing Committee at a formal Hearing.

Any conditions which are attached to licences, certificates and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned and will reflect, as far as possible, local crime prevention strategies. The Authority will not attempt to impose any 'blanket' conditions which apply to all premises but the applicant's operating schedule, which forms part of the application process should include sufficient information to enable a responsible authority or interested party to assess whether the steps being taken to promote the licensing objectives are satisfactory or not.

When submitting operating schedules applicants are required by the Act to outline the measures which are being taken in order to meet the licensing objectives. These measures are likely to form the basis of conditions which will be attached to the grant of a premises licence or club premises certificate. However, only those conditions which are considered appropriate for the promotion of the licensing objectives will be imposed and any breaches of conditions will, in most cases, be dealt with primarily through the review process.

The responsible authorities identified in this statement may also propose conditions of their own by making representations to a grant or variation application. However, these cannot be over burdensome or disproportionate and will only be imposed by the Authority in cases where it is considered appropriate to meet the licensing objectives. Any conditions proposed by a responsible authority and agreed by an applicant in such cases can be attached to the premises licence without the need for a formal Hearing either by the applicant agreeing to amend their operating schedule to include any condition(s) agreed between the parties or if all parties agree that a hearing is not necessary.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. In circumstances where existing legislation already effectively promotes the licensing objectives it is likely that no additional conditions will be necessary. For this purpose each case will need to be assessed on its own individual merits.

Other regulatory controls are referenced in more detail in Section 4 of this policy document.

Suspension for Non Payment of Annual Fees

The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended. The Authority has to give a minimum two days notice of the licence/certificate being suspended if payment is not made. The Authority, in this case, considers that seven days notice is more appropriate.

Temporary Event Notices (TEN)

There are two types of temporary event notice (TEN) which can be given to the Council; standard and late. Anyone wishing to give a standard TEN to the Authority must do so at least ten (10) clear working days prior to the event in question.

If it is not possible to give ten (10) working days notice then a late TEN may be given as long as five (5) working days notice is given. If an objection to a standard TEN is made by the Police or Environmental Health to impose existing conditions and all parties agree that a hearing is not necessary, the Authority will not normally hold a hearing. If, however, the Police or Environmental Health object to a late TEN then it will not be possible for the event to go ahead. The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

Personal Licences - New Applications

A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.

Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application. The requirements are that:

- (a) The applicant is aged 18 or over
- (b) The applicant is entitled to work in the United Kingdom
- (c) The applicant possesses a licensing qualification or is a person of a prescribed description
- (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
- (e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty

The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.

Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of

police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.

Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.

At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the crime prevention objective
- The objection notice given by the Police or Home Office
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the applicant for the relevant offence
- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant

If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

Personal Licences - Suspension and Revocation

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.

When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.

The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.

If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.

The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and

therefore it is appropriate for the licensing authority to come to its own decision about the licence.

If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.

Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.

Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence

The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence

has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

Immigration Act 2016 - Entitlement to Work

Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

Premises licences to sell alcohol or provide late night refreshment and Personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;

Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;

Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

The licensing authority will also work in partnership with the Home Office (Immigration Enforcement) and the Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

Designated Premises Supervisor (DPS)

On premises where there is the supply or sale of alcohol, the Licensing Authority will require one of the personal licence holders to be a designated premises supervisor. The main purpose being to ensure that there is always one specified individual among the personal licence holders, who can be readily identified as having key responsibilities at the premises. Therefore it will be clear who is in charge of the day to day running of the business. Guidance issued under section 182 of the Act does not state that a designated premises supervisor must be physically on the premises at all times when there is a supply or sale of alcohol.

The premises licence will specify the name of the designated premises supervisor. It is the responsibility of the premises licence holder to notify the Licensing Authority immediately of any change of designated premises supervisor.

Removal of DPS requirement at Community Premises

Instead of being required by way of a mandatory condition, to appoint an individual as a designated premises supervisor, (DPS), volunteer committees managing community premises are now allowed to take joint responsibility for the sale of alcohol in community premises. Management Committees wishing to apply for the removal of the mandatory condition requiring a DPS at community premises will need to demonstrate clearly to the Authority how they operate and that there will be appropriate supervision of all alcohol sales at different types of events.

'Community premises' will include church halls, chapels, community and village halls and similar buildings. If there is any doubt as to whether a building is a community premises or not, the Authority will deal with such matters on a case by case basis with the main consideration being how the premises are being predominantly used, for example :

- a. are they genuinely made available for community benefit most of the time?
- b. are they accessible by a broad range of persons and sectors of the local community?
- c. are they being used for purposes which are beneficial to the community as a whole?

Applicants will be required to set out exactly how the premises are managed, its committee structure and how alcohol sales are to be properly supervised within the committee/management structure.

Adult Entertainment

An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and

how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc. then a separate Sexual Entertainment Licence will also be required.

EMRO and Late Night Levy

There are no current proposals to implement a late night levy or introduce an early morning restriction order, but these will be kept under review in consultation with the Police and other responsible authorities.

Late Night Refreshment - Local Powers to Deregulate

Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.

This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

The licensing authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

Working with Partners

The Licensing Authority recognises that licensing functions under the Licensing Act 2003 are only one means of promoting the delivery of the licensing objectives. The Licensing Authority is committed to working in partnership with a wide range of organisations, including Staffordshire Police, Fire, and Social Services Authorities, Planning Authorities, Environmental Health e.g. Tamworth Responsible Body Group, CIEH Shropshire and Staffordshire Licensing Group; Staffordshire and Stoke Responsible Body Group, Neighbourhood Authority Working Group; the Tamworth Local Strategic Partnership and Community Safety Partnership, local businesses e.g. Tamworth Licensees Forum or similar and Destination Tamworth, local communities, performers and other organisations, to deliver these objectives.

Rights of Individuals

This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to undermine the right of any individual to apply, under the terms of the Act, for a variety of permissions and to have any such application considered on its individual merits.

Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

4 INTEGRATING OTHER REGULATORY CONTROLS

There are a number of other regulatory controls that may affect the Licensing Authority's licensing function. The Authority recognises that the licensing process should not duplicate powers; provisions or restrictions provided for in other legislation, and will in so far as possible avoid duplication of this kind. The Licensing Authority will be mindful of the following legislation and related strategies when executing its licensing functions under the 2003 Act:

1. The Licensing Act 2003, as amended;
2. Regulations and orders made under the Act;
3. Guidance issued by the Home Office; and
4. The principles of better regulation, particularly as set out in the Regulators' Code (BRDO 14/705 April 2014)

The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process. However, the Licensing Authority recognises that it cannot use its powers under the Licensing Act 2003 as a mechanism for enforcing other legislation where it is more appropriate to enforce those requirements through more specific statutory provisions.

Planning and Building Control

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing decisions will take into account any relevant planning decisions made by the Council's planning committee or made as a result of appeal and will not cut across such decisions.

Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications.

Where requested, the Licensing Authority will arrange for reports to be provided to the Council's planning committee on situations regarding licensed

premises in the Borough, including the general impact of alcohol related crime and disorder, in order for that committee to have regard to such matters when considering planning decisions.

There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Health and Safety

The Health and Safety at Work Act, etc. 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to people affected by work activities or the condition of the premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible.

Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation. In the majority of cases health and safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

Fire Safety

The licensing objective for public safety overlaps with fire safety requirements, which are enforced by the Staffordshire Fire and Rescue Service (FARS) under the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc Act 1974, in premises where licensable activities take place in the Borough of Tamworth. In the majority of cases, therefore, fire safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions. The Licensing Authority will not seek to impose any fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 applies.

Noise and Other Public Nuisance

The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced, in Tamworth Borough, by the Council under the Environmental Protection Act 1990. Powers under the Act are also available to the Police and, under the Anti Social Behaviour Act 2003, to Environmental Health Staff and authorised officers to secure the closure of licensed premises causing a public nuisance because of noise. In the majority of cases, therefore, controls to prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However, when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that there is the potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) and where it is considered that such statutory provisions do not provide for adequate protection with regard to public nuisance, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

Human Rights Act

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. When considering applications relating to licensable activities or representations on applications, the Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

Disability Discrimination Act

This Act provides that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. From October 2004 service providers are under a duty to make reasonable adjustments to any physical features which make it impossible or unreasonably difficult for disabled persons to access a service, or they have to provide the service by a reasonable alternative means. The Licensing Authority will not attach conditions to licences or certificates which conflicts with or duplicates this requirement. Applicants may wish to obtain guidance

from the Building Control Section of Tamworth Borough Council as regards access to buildings and their facilities, particularly as any alterations affecting access may require an application for building control approval. Further advice can also be obtained from the Disability Rights Commission at www.drc-gb.org.uk

Equality Act 2010

Tamworth Borough Council has adopted an Equal Opportunities Policy and a Race Equality Scheme in which it sets out how it aims to address race equality issues in the Borough, and to have due regard to eliminate unlawful discrimination, promote equality of opportunity and good relations between different racial groups. The Licensing Authority's undertaking of its licensing functions will therefore be monitored in accordance with Tamworth Borough Council's Equal Opportunities Policy and Race Equality Scheme.

5 INTEGRATING OTHER STRATEGIES

There are a number of strategic influences that may affect Tamworth Borough Council's licensing function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

Corporate Vision

Tamworth's Vision;

is to put Tamworth, its people and the local economy at the heart of everything we do.

Community Strategy

Tamworth Community Safety Partnership contribute to Tamworth Responsible Body Group and this is reflected in the **Tamworth Community Safety Partnership Plan 2017-2020** www.safertamworth.org. We will consider any reports submitted to ensure that these needs are reflected in our licensing considerations.

Live Music, Dancing and Theatre

The Licensing Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing and traditional theatre performances. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Where there is any indication that such events are being deterred by licensing requirements, this policy statement will be reviewed to see how that situation may be reversed.

In addition the Licensing Authority will consult the National Association of Local Government Arts Officers (NALGAO) for practical help and advice in this area when required.

To promote this policy, Tamworth Borough Council now holds its own premises licences for some public spaces within the Borough including St Editha's Square, some streets in the town centre and the Castle Pleasure Grounds. This is intended to encourage the above mentioned activities in that at these premises and venues performers and entertainers would not need to acquire a licence to perform but would only need the permission of the Council as the premises licence holder.

Furthermore, live music is no longer considered to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- When it is unamplified and takes place between 8am and 11pm; and
- When it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect. Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

Transport

Licensing protocols agreed between the Licensing Authority and Staffordshire Police will be established and will incorporate any procedures necessary to ensure that adequate arrangements are made in local transport plans and, where appropriate, in conditions relating to premises licences and club premises certificates for the swift and safe dispersal of people from premises and events authorised under the Act.

Alcohol Harm Reduction Strategy

The Government published in (2012) its Alcohol Harm Reduction Strategy for England in this it outlined how the Licensing Act can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises or personal licences. On occasions when the Licensing Authority's decision making powers under the Act have been engaged, i.e. - upon receipt of relevant representations, this strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle antisocial behaviour.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, which seeks to ensure that drinks are packaged and printed in a socially responsible manner and only to those who are 18 years old or older, is commended for consideration by applicants whose proposed licensable activities involve the supply of alcohol.

Drug Abuse

The Licensing Authority would commend for consideration by applicants the strategy outlined in the Home Office Drug Strategy booklet - Safer Clubbing - Guidance for Licensing Authorities, Club Managers and Promoters.

On occasions when the Licensing Authority's decision making powers have been engaged, the Licensing Authority may impose special conditions for certain types of premises to prevent the sale and use of drugs and to create a safer environment for those who may have taken them. Conditions will take into account the Home Office "Safer Clubbing" guidelines and Annex D of the guidance issued under section 182 of the Act.

Director of Public Health

Health Bodies have been responsible authorities under the Act since April 2012 and health functions are now exercised by local authorities via the Director of Public Health. Although 'health' is not a licensing objective under the Act, health bodies hold certain information which other responsible authorities do not, but which would assist the Council in carrying out its licensing functions, especially in relation to the public safety or crime and disorder objectives.

Rebalancing Licensing

The Police Reform and Social Responsibility Act brought about amendments to the Licensing Act 2003. The legislative changes have been instigated by Her Majesty's Government giving a clear commitment to overhaul alcohol licensing and to tackle the crime and disorder, and associated health and social harms, associated with alcohol consumption. The changes also aimed to rebalance the 2003 Act in favour of local communities.

The majority of the new measures are in force, in particular these relate to:

- Late night levy
- Early morning restriction orders (EMROs)

6 OPENING HOURS

The Licensing Authority will deal with licensing hours on the merits of each individual application. The Licensing Authority will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.

The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. This will help reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. It will not, therefore, seek to impose fixed trading hours within any designated area, (i.e. zoning) but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or interested parties regarding those applications.

When relevant representations have been received thus engaging the Licensing Authority's decision making functions under the Act, the Licensing Authority may, if appropriate, consider applying stricter conditions with regard to licensing hours for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This may particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (11:00pm – 07:00am). However, when considering applications, the Licensing Authority will consider each application on its merits and will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.

In the absence of any relevant representations being received, the Licensing Authority will approve the application subject only to any applicable mandatory conditions and such conditions which are consistent with the applicants operating schedule.

With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations received from any responsible authority or interested party, regarding any of the licensing objectives being compromised, are substantiated. However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

7 THE LICENSING OBJECTIVES

Section 3 of this policy outlines the four licensing objectives which are paramount considerations at all times.

The following four sections of this policy (8, 9, 10, 11) provide further detail in respect of the four licensing objectives. The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to demonstrate how they will promote the four licensing objectives.

The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule. This is in line with Guidance issued by the Secretary of State under section 182 of the Act.

8 PREVENTION OF CRIME AND DISORDER

Tamworth Borough Council is committed to reducing crime and disorder and improving community safety in the Borough of Tamworth.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Tamworth Borough Council, Staffordshire Police, Staffordshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the Borough, particularly when considering the location, impact, operation and management of licensable activities.

Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Tamworth Community Safety Partnership through the LSP or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the Borough, it will consider adopting a "saturation policy". Adoption of saturation policies is referenced in more detail in the Cumulative Impact Assessment pages of this policy document.

The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder

The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

Security Operatives

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Harm Reduction Strategy.

All security operatives employed at licensed premises will be expected to display their identification as issued by the Security Industry Authority (SIA).

If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.

When the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such certain premises may require strict supervision for the purpose of the promotion of the licensing objectives, the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times, or, at such times that certain licensable activities are taking place. However, the Authority will consider each application on its merits.

9 PUBLIC SAFETY

The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.

There are a wide range of statutory requirements as detailed in Section 4 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.

The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.

The capacity of a premises is a legitimate public safety issue. The Licensing Authority is aware that from 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under article 43 of the Fire Safety Order any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by

the Order, automatically ceased to have effect. This means that the Licensing Authority will not seek to impose fire safety conditions or capacity limits where the Order applies.

The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer for Stoke on Trent and Staffordshire Fire Authority, after having regard to any guidance issued by the Secretary of State if considered necessary to meet the public safety licensing objective. Each application will be considered on its merits.

The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

10 PREVENTION OF PUBLIC NUISANCE

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

There are a number of statutory controls available to deal with nuisance issues as outlined in Section 4.

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

Applicants need to be clear that where relevant representations have been received, the Licensing Authority may apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas.

11 PROTECTION OF CHILDREN FROM HARM

The protection of children from harm is an extremely important issue and is one of the statutory licensing objectives. It is the Licensing Authority's wish that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

It is also an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5:00am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

Otherwise, the Act does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. However this does not mean that children should automatically be allowed access to such premises.

The Licensing Authority will enforce the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or interested party and it is considered necessary to impose limitations for the prevention of physical, moral or psychological harm to children.

The Licensing Authority recognises Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate charged with the responsibility for or interest in matters relating to the protection of children from harm and the Staffordshire Police as the responsible authorities for advising the Licensing Authority in matters relating to the protection of children from harm and competent to advise it on such matters.

When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.

When considering applications and deciding whether to limit access of children to premises, the Licensing Authority will judge each application on its own merits.

However the Licensing Authority will have particular regard to premises where there is substantial evidence that:

- Entertainment or services of an adult or sexual nature are commonly provided such as topless bar staff, striptease, lap-, table- or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language

- there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for underage drinking;
- there is a known association with drug taking or dealing;
- there is a known association with prostitution;
- there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

Where concerns have been identified in respect of individual premises, and it is felt that the access of children should be restricted the Licensing Authority may consider the following options:

- Limiting the hours when children may be present;
- age limitations (below 18);
- limiting or prohibiting access when certain activities are taking place;
- fully excluding persons under the age of 18 from the premises when certain licensable activities are taking place;
- limitations on access to certain parts of the premises for persons under 18;
- permitting access only when accompanied by an adult.

The above list is not exhaustive and the alternatives may be adopted in combination.

Applicants applying for premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules where their risk assessments have determined the presence of children is undesirable or inappropriate.

Where no relevant representations are made to the Licensing Authority, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.

The Portman Group operates on behalf of the alcohol industry a Code of Practice on the Naming, Packaging and Promotion of alcoholic drinks. The Code seeks to ensure that alcoholic drinks are only marketed to those 18 years and older. The Licensing Authority commends the adoption of this Code by all relevant parties.

The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British

Board of Film Classification was the only body so designated), or in specific cases the Licensing Authority itself. The Licensing Authority will expect that operating schedules accompanying applications relating to activities involving film exhibitions will include details of the arrangements proposed for preventing children from viewing age restricted films.

When considering any application, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities defined in Section 13(4) and Section 69(4) of the Act; i.e., Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate and the Chief Fire officer for Stoke on Trent and Staffordshire Fire Authority.

The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.

Illegal Sales of Age Restricted Goods.

The Licensing Authority recognises the important work carried out by Staffordshire County Council Trading Standards and Staffordshire Police in this field. The Licensing Authority, Staffordshire County Council Trading Standards and the Police take a very serious view of the illegal sale of alcohol and other age restricted goods and the Licensing Authority will work closely with Trading Standards and the Police to seek to ensure that illegal sales of alcohol and other age restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards has, over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place. Trading Standards will continue to regularly conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence. Trading Standards have been successful in bringing a number of prosecutions recently; having particular regard to the link between alcohol and crime and disorder issues, and this continues to be a concern of Staffordshire County Council under the Licensing Act 2003.

Staffordshire Trading Standards have issued guidance that applicants may wish to consider in respect of underage sale of alcohol and other age restricted goods. Copies of this guidance can be obtained from Staffordshire Trading Standards or from the Licensing Authority.

Guidelines to be followed by the Licensing Committee when dealing with a review application following underage sales of alcohol

The Act provides the Council with a wide range of powers to be used when determining a review application. There are a number of steps which the Committee can take in order to promote the licensing objectives, as follows:

- a. modify the conditions of licence
- b. exclude a licensable activity from the scope of the licence
- c. remove the designated premises supervisor
- d. suspend the licence for a period of up to 3 months
- e. revoke the licence

When deciding which steps are appropriate, each case will be judged on its own merits but, the Committee will consider taking tougher steps in cases where, for example: an underage sale of alcohol has been made and there are related issues involving the use of counterfeit or illicit alcohol from the same premises, or the premises have already been before the Committee previously for an underage sale and conditions were imposed at that time.

Where a premises licence has been revoked by the Committee or one of its panels, the Authority will not normally grant an application for a new premises licence within 12 months of the date of the revocation, where there has been an objection to the application, when they are not satisfied that the management structure of the premises is not related to the management involved in the revoked licence and when one or more of the licensing objectives is undermined by such a circumstance. However, each application is to be considered on its own merits and this part of the policy does not fetter the discretion of the Committee and Panels. The Authority must carry out its functions with a view to promoting the licensing objectives. Any action taken by the Committee or Panel should be an appropriate and proportionate response.

Nothing within this policy removes the discretion or judgement from the Committee or Panel when considering a review of a licence and each application and representation will be considered on its own merits. If the Committee or Panel depart from this policy or the guidance, reasons will be given.

12 ENFORCEMENT

The Licensing Authority has established good working relationships with the Police and other enforcing authorities. These arrangements provide for the targeting of agreed problem high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Licensing Authority will incorporate the Hampton principles of inspection and enforcement into these activities. Consideration will also be given to any relevant codes of practice issued by the Better Regulation Delivery Office (BDRO).

It is intended that in general, action will only be taken in accordance with agreed enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained. In addition, any enforcement action undertaken will be with a view to upholding the promotion of the licensing objectives

13 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS

The Licensing Authority's licensing functions will be discharged by the licensing committee. To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority's licensing committee will delegate those functions to sub committees, each of which will comprise three members of the licensing committee.

Many of the licensing committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to officers of the Licensing Authority who are responsible for the administration and enforcement of the Act.

The Licensing Authority's licensing committee will receive regular reports on decisions made by officers and its sub committee so that it maintains an overview of the general licensing situation in the Borough.

Applications will be determined in accordance with the following delegation criteria:

Function	Full Committee	Sub Committee	Officers
Application for personal licence		Where an objection has been received from the Police or Home Office	Where no objection received
Decision whether to suspend or revoke a personal licence		All cases	
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	Where objection relates to cumulative impact	Where "relevant representation" has been made	Where no "relevant representation" made or all representations made are withdrawn
Application for provisional statement	Where objection relates to cumulative impact	Where "relevant representation" has been made	Where no "relevant representation" made or all representations made are withdrawn
Application to vary a premise licence/club premises certificate	Where objection relates to cumulative impact	Where "relevant representation" has been made	Where no "relevant representation" made or all representations made are withdrawn
Application to vary designated premise Supervisor		Where an objection has been received from the Police	Where no objection has been received
Application for the mandatory alcohol condition under the Licensing Act		If a police representation is made	All other cases

2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied			
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Application for transfer of premise licence		Where an objection has been received from the Police or Home Office	All other cases
Applications for interim authority notices		Where an objection has been received from the Police or Home Office	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

Acknowledgement of receipt of a temporary event notice			All cases
Determination of a Police or environmental health representation to a temporary event notice		All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee			All cases

Where a councillor who is a member of the licensing committee or a licensing sub committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the premises licence in question.

The Licensing Authority's nominated officers will deal with all licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Schedule 5 of the 2003 Act. Other than in the case of personal licences, an appeal has to be made to the magistrates' court. In which the premises concerned is situated. In the case of personal licences, the appeal must be made to the magistrates' court for the area in which the licensing authority (or any part of it) which made the decision is situated.

14 EQUAL OPPORTUNITIES

The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relation, between persons with different protected characteristics, for example age, disability, race and religion.

Tamworth Borough Council has a Statement of Intent for Equality and Diversity which requires that services are provided that embrace diversity, promote equality of opportunity and access. The statement can be found at <http://www.tamworth.gov.uk/equality-and-diversity>

15 FURTHER INFORMATION

Further information about the Licensing Act 2003 and the Licensing Authority's licensing policy can be obtained from:

Growth and Regeneration
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Telephone (01827) 709445
E-mail publicprotection@tamworth.gov.uk

This policy is available on the Council's web-site www.tamworth.gov.uk

Definitions

The following definitions are included to provide an explanation of certain terms included in the Act and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Appeals

Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Council's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

Authorised Persons

"Authorised Persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health officers.

Interested Parties

"Interested Parties" are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

Responsible Authorities

"Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.

Closure Order

New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

Club Premises Certificate

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

Conditions

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides "The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

Designated Premises Supervisor

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence or will be the premises licence holder themselves (who must also be a personal licence holder).

Interim Authority Notices

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to Police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to "interim authorities" and "protection orders" under the Licensing Act 1964.

Late Night Refreshment

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

Licensable Activities

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- the provision of regulated entertainment;
- the provision of late night refreshment.

Licensing Authority

Tamworth Borough Council

Licensing Objectives

The objectives of licensing set out in the Act:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- and the protection of children from harm.

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

Licensed Premises

Includes club premises and events unless the context otherwise requires.

Mandatory Conditions

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

Objection Notice

A procedure whereby the police can object to the grant of a personal licence on the grounds where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

Operating Schedule

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the licence holder to tackle the four licensing objectives;
- the licensable activities to be conducted on the premises;
- the times during which the licensable activities are to take place and any other times when premises are open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

Personal Licence

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the Police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

Provisional Statement

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a "provisional grant" under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

Qualifying Club

Club premises certificates will be issued to qualifying clubs formerly registered members clubs. To be eligible for a club premises certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to

support that the club is non profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

Regulated Entertainment

- A performance of a film;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance;
- (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Relevant Offences

Relevant offences are set out in Schedule 4 to the 2003 Act.

Relevant Representations

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take “steps” consistent with the licensing objectives when considering the application.

Review of Licence

Where a premises licence is in force an interested party or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary

steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to 3 months; or the revocation of the licence.

Responsible Authority

- the Chief Officer of Police in the area where the premises are situated;
- the Fire Authority in the area where the premises area situated;
- the enforcing authority for Health and Safety at Work.
- the Local Planning Authority;
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health;
- the body representing matters relating to the protection of children from harm;
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.

Statement of Licensing Policy

Each licensing authority must every 5 years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Supervisor

Responsible for supervision of the premises e.g. the day to day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

Temporary Event Notice

A permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used;

- The number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in 1 year, and any other person to 5 notices in a similar period;
- (If these conditions are not fulfilled, the temporary event would require a premises licence if it were currently unlicensed for the activity involved).

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

APPENDIX 2

List of Publications That Provide Guidance When Considering Public Safety

It is recommended that those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider the following:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (2002) ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications);
- The Event Safety Guide – The Purple Guide to health, safety and welfare at music and other events -The Events Industry Forum
- Managing Crowds Safely: guide for organisers at events and venues (HSE 2000) (HSG 154) ISBN 0 7176 1834 X;
- 5 Steps to Risk Assessment: Case Studies (HSE 1998, reprinted 2002) (HSG 183) ISBN 07176 15804;
- The Guide to Safety at Sports Grounds 5th revised edition The Football Licensing Authority written for - The Department for Culture, Media and Sports (DCMS) ISBN 10 0117020745; ISBN 13 9780117020740
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:
www.streetartsnetwork.org.uk/publications./index.php
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” (2001) ISBN 0 9531229 2 1.

The following British Standards should also be considered:

- BS 5588-6:1991 Fire precautions in the design, construction and use of buildings. Code of practice for places of assembly
- BS 5588-9:1999 Fire precautions in the design, construction and use of buildings. Code of practice for ventilation and air conditioning ductwork
- BS 5588-8:1999 Fire precautions in the design, construction and use of buildings. Code of practice for means of escape for disabled people
- BS 5839 (fire detection, fire alarm systems and buildings)
- BIP 2081:2006 A Guide to Emergency Lighting ISBN 0580 47755

However, in consulting these texts, those creating operating schedules or club operating schedules, the licensing authority and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.

**TAMWORTH BOROUGH COUNCIL
CUMULATIVE IMPACT ASSESSMENT**

The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment contained in the following pages.

The statements within the policy are aimed at encouraging best practice; a safe environment and to actively promote the four licensing objectives.

The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the justification for the Cumulative Impact Assessment and supporting evidence within the licensing policy document, it is considered that this would make a summary unnecessary and would duplicate the information provided in the pages that follow.

Cumulative Impact Assessments – Background

The concept of Cumulative Impact has been described within the Secretary of State's Guidance (section 182) since the Licensing Act 2003 came into force. It has been part of the Council's licensing policy since May 2005.

Cumulative impact is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. In some areas where the number and type or density of licensed premises, such as those selling alcohol or providing late night refreshment is high, serious problems of nuisance and disorder may arise outside or some distance from those premises

Such problems generally occur when large numbers of drinkers are concentrated in one area at peak times when queuing for transport or food. These can attract criminal activity such as drug dealing or street robbery. The effect of this type of concentration of people can also place increased pressure on local transport and public services resulting in littering and public nuisance.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement and when determining applications under the Act.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

Reasons for the Cumulative Impact assessment

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the Borough, consistent with its statutory duty under section 17 of the Crime & Disorder Act 1998, and an improvement in local amenity through the reduction of antisocial behaviour.

The Licensing Authority is aware of the potential link between an increase in licensed premises within the town centre and the rise in the number of violent crimes, and antisocial behaviour.

The cumulative impact of people dispersing from an area can also disturb nearby residents

The Licensing Authority is mindful of the need to safeguard users of the late night economy, in relation to crime and disorder but also from alcohol harm. It recognises its responsibilities to protect children from harm and to promote public safety. The concentration of licensed premises, whose primary function is the consumption of alcohol can increase the vulnerability of people and result in alcohol harm.

The authority recognises that the impact of longer hours can be a factor as well as the density of the premises, and this issue will be given due consideration in any decision.

Town Centre Cumulative Impact Assessment Area – General Principles

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

A cumulative impact assessment must include a statement stating that the licensing authority considers that the number of premises in the identified area is causing a cumulative impact. The statement must encompass that if a special policy relating to cumulative impact is not put in place then it will impact on the ability of the authority to uphold the licensing objectives. The cumulative impact once identified must relate to licensable activities.

The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case.

This Cumulative Impact Assessment will therefore be published under these new provisions of the Licensing Act 2003. The assessment will be reviewed

every three years from the date it comes into force, consulting the persons outlined in Section 5 of the Licensing Act 2003.

The Cumulative Impact Assessment relates to the Tamworth Town Centre area. The Town Centre area has been subject to a Cumulative Impact Policy as part of the Council's Statement of Licensing Policy since May 2005. There are no changes to the area within this assessment.

This assessment applies to the following roads

- 1) Lower Gungate, from its junction with Albert Road and Aldergate to its junction with Colehill.
- 2) Spinning School Lane, from its junction with Lower Gungate to its junction with Marmion Street.
- 3) Colehill, from its junction with Lower Gungate and Church Street, to its junction with Bolebridge Street and George Street.
- 4) Bolebridge Street from its junction with Colehill, George Street up to its junction with the first traffic island (Mill Lane / Anker Drive island).
- 5) George Street, from its junction with Colehill, Bolebridge Street to its junction with Market Place and Market Street.
- 6) Market Street, from its junction with George Street, Middle Entry to its junction with Silver Street and Holloway.
- 7) Silver Street, from its junction at the entrance into Market Street up to the traffic lights at junction between Aldergate, Church Street and Lichfield Street.
- 8) Church Street, from its junction at the traffic lights in Silver Street, Lichfield Street, Aldergate, up to its junction with Colehill.
- 9) Aldergate, from its junction at the traffic lights with Lichfield Street, Church Street and Silver Street up to its junction with Lower Gungate, Hospital Street, Upper Gungate and Albert Road.
- 10) All other roads, streets and areas enclosed within the area bounded by the above streets, to include College Lane, Middle Entry, Market Place, King Street, Corporation Street, St Editha's Square, St Editha's Close, Church Lane, Little Church Lane and Lower Gungate Precinct.

Where a boundary line follows a street or road, premises on both sides of the street or road are deemed to be within the cumulative impact area.

A map showing the Cumulative Impact area is attached at page 54.

Cumulative Impact Assessment Evidence

Evidence received in respect of the Cumulative Impact Assessment and to support the retention of the Town Centre Cumulative Impact Policy

The area that is covered by the Cumulative Impact Assessment occupies 8.9 hectares which is 0.28% of the total area of the Borough of Tamworth.

In June 2019, there were fifty eight licensed premises within the Cumulative Impact Area. This figure represents 27% of the total number of licensed premises within the Borough. Forty eight out of those fifty eight premises are licensed to sell alcohol.

There are fifty premises open past 23:00hours in the Town Centre Cumulative Impact Area of which forty are licensed to sell alcohol. Furthermore, twelve of the premises licensed to sell alcohol in the Cumulative Impact Area are permitted to be open after 02:00am on certain days of the week.

As of June 2019, the numbers and types of premises within the Cumulative Impact Area were as follows:

Night Clubs and public houses = 22

Restaurants – 14

Hotels – 2

Takeaways – 10

Off sales only = 4

Clubs – 1

Cinemas and theatre type premises = 2

Others (including open spaces having the benefit of a premises licence, hair dressing salons, bingo premises) = 4

The table on page 59 gives a comparison of the number and type of licensed premises within the town centre cumulative impact area in November 2005 (when the Licensing Act 2003 came into force), the premises with a licence in 2015 and those with a licence in June 2019.

The table shows that:

- There is a concentration of licensed premises within the town centre area
- Since November 2005 there has been an increase in the number of licensed premises in the town centre area although there has been a slight decrease between 2015 and June 2019.
- Over the years there has been an increase in the number of premises licensed to sell alcohol in the town centre area, with a slight decrease between 2015 and June 2019.

As part of the consultation process in respect of the Cumulative Impact Assessment and the Statement of Licensing Policy, Staffordshire Police submitted updated evidence relating to levels of crime and antisocial behaviour (ASB) and rowdy and inconsiderate behaviour in the town centre. The evidence details current levels of crime and disorder within the town centre and the types of offences which include violent offences which are being committed in the area.

The submission gave the key findings from the Police information records using data from recorded incidents and figures based on year to date (05 05 2019). Further supporting evidence is included on pages 55 - 59 of this policy.

Key points:

- There has been a 3% decrease in Town Centre ASB in the last 12 months compared to the previous 12 months.
- Rowdy and inconsiderate behaviour is the most prevalent type. 16% of ASB calls in the town centre are marked as Alcohol related (this figure may be higher dependent on recording accuracy) compared with Tamworth as a whole which sits at 5%.
- The majority of ASB incidents occur in the afternoon to the evening and into the early hours at the weekend (shown in the heat map below). This pattern is enhanced with clear alcohol related incidents.
- There has been a 2% increase in 'Town Centre' Public Space Violence (PSV) in the last 12 months compared to the previous 12 months.
- The highest levels of PSV are (on average) committed between 0000hrs and 0100hrs on Friday nights and 2300hrs and 0400hrs on Saturday nights. This has a direct correlation with the Tamworth night-time economy and also ASB.
- Public order offences have decreased, as has more serious violent crime.
- Less serious violent crime with injury, personal robbery and other violence against the person have increased.
- The highest repeat locations for PSV include licensed premises on Lower Gungate, Bolebridge Street, and Spinning School Lane all of which are within the hub of the night time economy.

At the conclusion of their submission in support of the Town Centre Cumulative Impact Policy, Staffordshire Police made the following statement: "We cannot stress enough, based on the above, the importance of maintaining the Cumulative Impact Zone/Area".

The current Statement of Licensing Policy 2015 – 2020 contains a special policy relating to Cumulative Impact covering the town centre area of the Borough. The Licensing Authority considers that in the Cumulative Impact Area, the number of premises licences and/or club premises certificates are such that it is likely that granting further licences or variations to existing relevant authorisations would be inconsistent with its duty to promote the licensing objectives.

The Licensing Authority has carefully considered the evidence submitted by Staffordshire Police and other comments received during the consultation process in respect of the Cumulative Impact Assessment and the existing Cumulative Impact Policy. It has formed the opinion that the Cumulative Impact Policy should be retained in the proposed Statement of Licensing Policy 2020 -2023.

The effect of the Cumulative Impact Assessment and adopting a Cumulative Impact Policy

The effect of adopting a special policy is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations will normally be refused, if relevant representations about cumulative impact on the licensing objectives are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

It is for the applicant to consider, within their operating schedule, the potential cumulative impact and to demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

This assessment will apply to all applications for grant of a new premises licence/club premises certificate or the variation of an existing premises licence or club premises certificate to for example increase the hours for licensable activities or increase the capacity or any other matter that may add to the cumulative impact in the cumulative impact area.

The contents of the Cumulative Impact Assessment does not change the fundamental ways that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

As part of this policy, the licensing committee will not consider whether or not there is a need for any particular type of premises (as this is largely a matter for the local planning authority) but it will consider the cumulative impact that

an application for grant of a new licence/club premises certificate or the variation of an existing premises licence or club premises certificate would have on the special cumulative area.

The Town Centre Cumulative Impact Policy will not be used to justify:

- Revocation of existing licences or certificates;
- rejecting applications to vary an existing licence/certificate, except where those modifications are directly relevant to the policy and the rejection is strictly necessary for the promotion of the licensing objectives;
- provisions for terminal hours of operation;
- imposing quotas on the number or capacity of premises that restrict the consideration of any application on its individual merits, or, impose limits on trading hours in particular areas.

Exceptions to the Special Cumulative Impact Policy

In general, the Licensing Authority wants to encourage “family friendly” entertainment in the town centre and discourage antisocial behaviour especially that associated with excessive alcohol consumption.

Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:

- 1) The applicant can demonstrate that the premises will not be used primarily for the consumption of alcohol or as a hot food takeaway premises. This may be evidenced by the general nature of the business activity, e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and / or
- 2) The applicant can demonstrate that the general age profile of customers will be 25+ and / or family groups. The committee may consider evidence such as marketing plans showing examples of advertising and promotions.

In any case where an applicant wishes an exception to be considered, the responsibility is with the applicant to show why an exception should be considered, not on the committee to demonstrate why an exception should not be made.

If an exception is made to this special policy relating to cumulative impact, applicants must fulfil the other requirements to be granted a premises licence or club premises certificate.

Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the policy include:

- 1) That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible.
- 2) That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol.
- 3) The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by interested parties in the vicinity of the special policy area.

Other Methods of Controlling Cumulative Impact

There are, however, other mechanisms, both within and outside the licensing system, that are available for addressing the potential effects of cumulative impact in areas. These include:

- planning controls;
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and other service units of the Council;
- provision of CCTV surveillance, sufficient taxi facilities, public conveniences open late at night, street cleaning and litter patrols;
- designation of parts of the Borough as places where alcohol may not be consumed publicly;
- confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- prosecution of personal licence holders or members of staff at licensed/certificated premises that are selling alcohol to people who are drunk;
- Police powers to close down instantly, for up to 24 hours, any licensed/certificated premises or temporary event on grounds of disorder, the likelihood of disorder, or, noise emanating from the premises causing a nuisance;

- powers of local authority environmental health officers to close premises, for up to 24 hours, where noise is causing a public nuisance;
- local authority, fire authority and Health and Safety Executive powers to prohibit activities including the use of premises or parts of premises, where there is a risk of serious personal injury;
- the right of responsible authorities or interested parties, to seek reviews of premises licences and club premises certificates.
- Early Morning Restriction Orders
- Late Night Levy

Where a boundary line follows a street or road, premises on both sides of the street or road are deemed to be within the cumulative impact area.

Cumulative Impact Area



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Further evidence in respect of the Cumulative Impact Assessment and to support the retention of the Town Centre Cumulative Impact Policy

1. STAFFORDSHIRE POLICE CUMULATIVE IMPACT REPORT AS AT 5 MAY 2019

Licensing Act 2003

Objectives:

- Prevention of crime and disorder;
- Public Safety
- Prevention of public nuisance; and
- The protection of children from harm.

The Legislation also supports a number of other key aims and purposes, including:

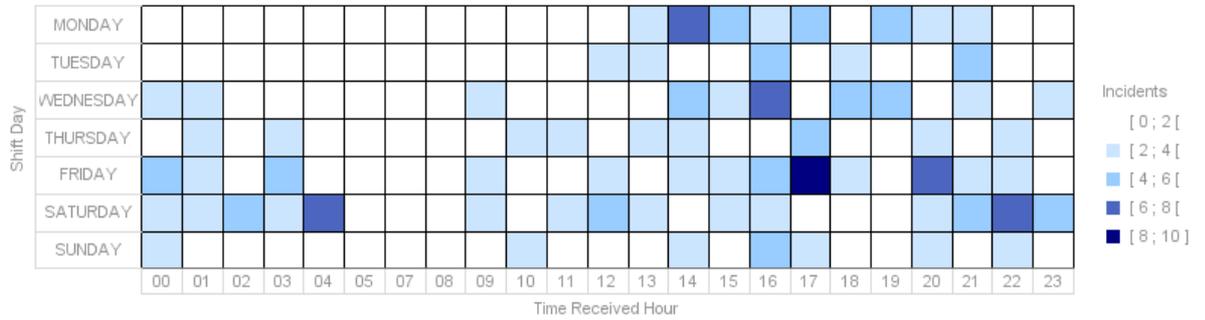
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.

Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The key findings from the Police using data from recorded incidents are: Figures are based on year to date (05/05/2019).

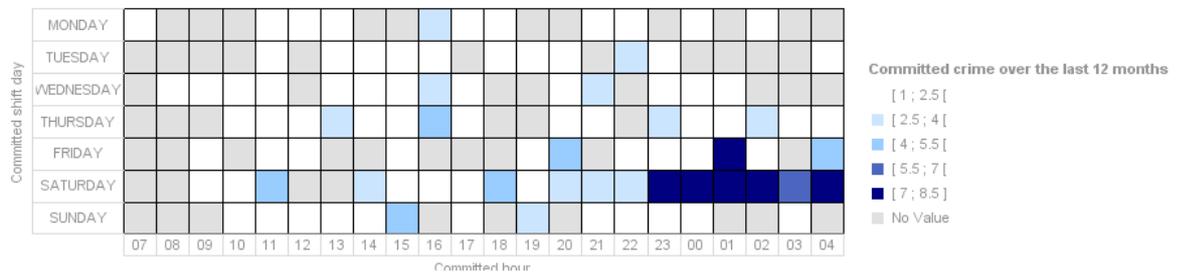
- There has been a 3% decrease in Town Centre ASB in the last 12 months compared to the previous 12 months.
- Rowdy and inconsiderate behaviour is the most prevalent type. 16% of ASB calls in the town centre are marked as Alcohol related (this figure may be higher dependent on recording accuracy) compared with Tamworth as a whole which sits at 5%.
- The majority of ASB incidents occur in the afternoon to the evening and into the early hours at the weekend (shown in the heat map below). This pattern is enhanced with clear alcohol related incidents.

Incidents by Day and Hour (12 Months)



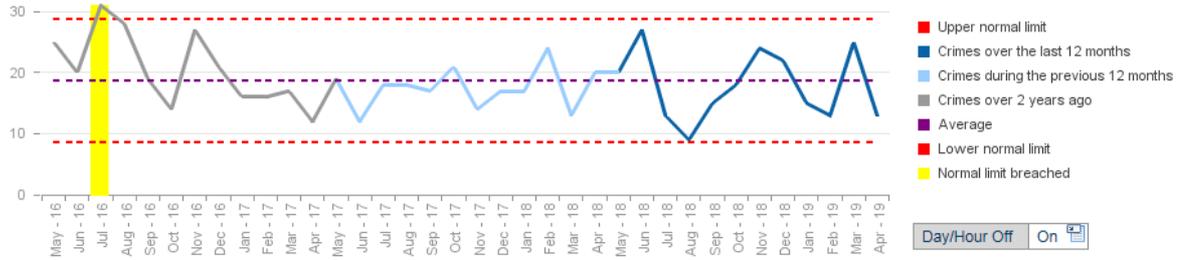
- There has been a 2% increase in ‘Town Centre’ Public Space Violence (PSV) in the last 12 months compared to the previous 12 months.
- The highest levels of PSV are (on average) committed between 0000hrs and 0100hrs on Friday nights and 2300hrs and 0400hrs on Saturday nights. This has a direct correlation with the Tamworth night-time economy and also ASB.

Committed Crime by Day and Hour (12 Months)



- Public order offences have decreased, as has more serious violent crime.
- Less serious violent crime with injury, personal robbery and other violence against the person have increased.
- The highest repeat locations for PSV include licensed premises on Lower Gungate, Bolebridge Street, and Spinning School Lane all of which are within the hub of the night time economy.

Public Space Violence in Tamworth Town Centre (castle FW00) over the past 12 months



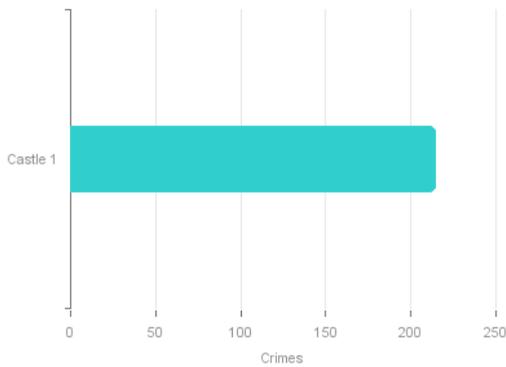
Change Over 12 Months (Direction)

Profile Analysis Off On

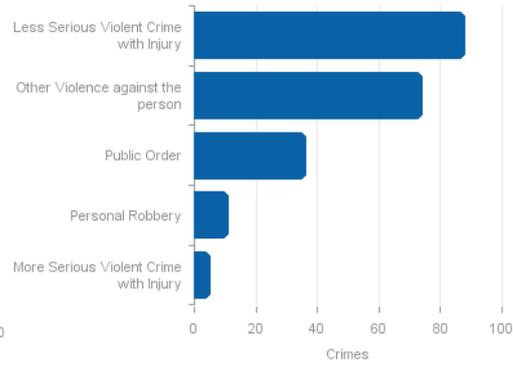


Proportion of All Violence
70%

RIA Crimes Over 12 Months



Offence Crimes Over 12 Months



ASB in Tamworth Town Centre (Castle FW00) over the past 12 months

Incidents Over Time (Variation)



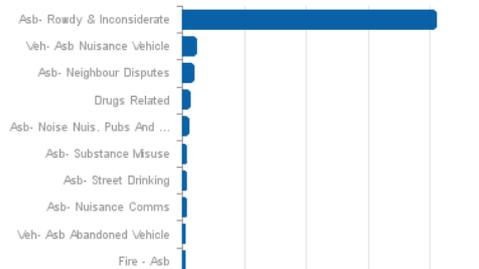
Change Over 12 Months (Direction)

Response Breakdown Off On



Volume % Change Volume Change

Incident Group Incidents Over 12 Months



Resource Rate

59%

% Youth Qualifier

16%

% Alcohol Qualifier

16%

What is more difficult to quantify is the amount of work officers encounter whilst engaged on Safer nights operations dealing with adults/youths who have been affected by drink or other substance misuse; making sure they receive medical treatment when required or trying to get them home safe. There is also dealing with the low level drink related incidents not recorded on the police systems. This type of work not only affects the police but partners including street wardens and ambulance staff.

The Police Licensing department have been consulted regarding Cumulative Impact assessments and have observed that they are a very useful tool in preventing premises that either already exist or are a new venture adding to violence and disorder in our town centres. The very existence of the policy has allowed us to advise prospective applicants in Tamworth of the Police stance and that we would object, and this has been sufficient to negate an application being submitted. The policies are invaluable even though a true auditable account of their use cannot be readily produced.

Whilst we make every effort to intervene and work to reduce violence and ASB in the Town Centre it is no secret that the police resource is being stretched and we do not always have the police readily available within the Town centre. Additional demand created by new ventures would have a negative impact on the forces ability to meet demand and hence the licensing objectives listed above.

If we do not have the policies in place, the late hour applications, new venues are more likely to be permitted creating that extra demand (increase in violence and public nuisance).

We cannot stress enough, based on above, the importance of maintaining the Cumulative Impact Zone/Area.

2. Comparison of the Number and type of Licensed Premises within the Town Centre Cumulative Impact Area over different years.

The table below gives a comparison of the number and type of premises holding a licence within the town centre cumulative impact area in November 2005 (when the Licensing Act 2003 came into force), the premises with a licence in 2015 and those with a licence in June 2019.

	Premises with a Licence 2005 (November)	Premises with a Licence in 2015	Premises with a Licence in 2019 (June)
Type of Premises			
Night Clubs and Public Houses	19	22	22
Restaurants	11	14	14
Hotels	2	2	2
Takeaways	10	13	10
Off Sales	6	9	4
Clubs	1	1	1
Cinema/Theatre	1	1	1
*Others	2	2	4
Total premises	52	64	58
Total as % of all Licensed Premises in Borough	25%	29%	27%
Licensed to sell Alcohol in CIA	41	51	48

*Others (include open spaces having the benefit of a premises licence, hair dressing salons, bingo premises)

1.14 Nudity Striptease and Other Entertainment of an Adult or Sexual Nature

- 1) This part of the policy statement details the approach of the Licensing Authority to entertainment involving nudity, striptease or other entertainment of an adult nature and applies to applications relating to:
 - new premises licence;
 - new club premises certificate;
 - variation of a converted premises licence;
 - variation of an existing premises licence;
 - variation of a converted club registration certificate;
 - variation of an existing club premises certificate; and
 - a provisional statement.

In which entertainment involving nudity, striptease or other entertainment of an adult nature is proposed.

- 2) This part of the policy also applies to reviews.

The Policy

- 3) On the 2nd of June 2010 the Council's Cabinet adopted the new powers under section 27 of the Policing and Crime Act 2009 regarding the regulation of Sexual Entertainment Venues including lap dancing.
- 4) The Council is aware of the Indecent Displays Act 1981 and other legislation covering indecency and obscenity, and notes the Secretary of State's Guidance (para. 2.17) in not seeking to use the Licensing Act 2003 or the police and crime act to go beyond these other legislative controls.

Statement of Licensing Policy

2023 - 2025



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TAMWORTH BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY 2023 – 2025

1 INTRODUCTION

The Licensing Act 2003 came into force on 24 November 2005. From that date the Licensing Authority became responsible for issuing authorisations for premises in the Borough in respect of the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.

The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts.

Tamworth's resident population of around 76,800 (Source – Census 2021, ONS) makes it one of the main urban centres in Southern Staffordshire. As of 2021, Tamworth is the ninth most densely populated of the West Midlands' 30 local authority areas, with around 18 people living on each football pitch-sized area of land.

The Borough has a wide range of recreational facilities including the Snowdome, an indoor real ski slope (the first in Europe), an athletics stadium, a football stadium, leisure centres, indoor bowls and a 26 lane ten-pin bowling alley. It also has a ten-screen cinema, nightclubs, pubs and restaurants.

2 LICENSING ACT 2003 STATEMENT OF LICENSING POLICY PURPOSE AND SCOPE

This licensing policy statement sets out the manner in which Tamworth Borough Council (the Licensing Authority) will consider applications for licences as required by the Licensing Act 2003 (the Act).

The Licensing Authority's policy relates to all licensing activities falling within the provisions of the Act, namely:

- The sale of alcohol by retail ; (including for consumption on or off premises, with or without food;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment to the public, club members or with a view to profit;
- the provision of late night refreshment.

In carrying out its functions the Authority will not only have regard to this policy but also any guidance issued from time to time by the Secretary of State under Section 182 of the Act (referred to as "the guidance").

The guidance makes it clear, and the Authority recognises that licensing should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of those with responsibility for managing and controlling licensed premises.

However, licensees should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter to the extent that these matters are within their control.

Licensing will, however, be one of the key factors in managing the evening and night time economy particularly in town centres and any other places as identified 'high risk' areas in partnership with the police and other responsible authorities.

The Local Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder in its area and will continue to work in partnership with the police, responsible authorities as defined by the Act, local businesses, local people and others towards the promotion of all the licensing objectives.

Regulated Entertainment

The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

Late Night Refreshment

Late night refreshment (subject to certain exemptions) is regarded as the supply on or off any premises between the hours of 11:00pm and 5:00am of hot food or drink for consumption on or off the premises.

The policy will apply in respect of new applications, grants and notifications to the following:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- Temporary Event Notices.

The licensing authority must have regard to the guidance issued by the

Secretary of State for Culture, Media and Sport in discharging its functions under the Act and this statement of licensing policy has been prepared taking into account guidance issued under section 182 of the Act.

Consultation

Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every 5 years. However, this policy (2023 – 2025) will be reviewed in 3 years. This is because the licensing policy now includes a Cumulative Impact Assessment. The legislation requires that the Cumulative Impact Assessment is reviewed every 3 years and therefore the Statement of Licensing Policy will be reviewed at the same time. During the three year period the Authority will keep the policy under review and may make any amendments to it as it considers necessary. The Act makes provision for this policy to be the subject of consultation and in developing this policy the Licensing Authority has consulted a wide range of organisations including statutory consultees as follows:

- Chief Officer for Police for Staffordshire;
- Chief Fire Officer for Staffordshire;
- Representatives of local holders of existing licences, within the meaning of Part 1 of Schedule 8 to the Act;
- Representatives of local holders of club premises certificates within the meaning of the Licensing Act 1964.

The Licensing Authority has also consulted a range of non statutory consultees including:

- Staffordshire County Council – Department of Social Care and Health;
- Tamworth Community Safety Partnership;
- Bodies representing consumers;
- Officers within the Borough Council responsible for Regeneration Growth and Development, Health and Safety, Environmental Protection.

The views of all consultees have been given proper weight in the preparation of this policy document.

When approved, the statement of licensing policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act.

3 LICENSING OBJECTIVES AND FUNDAMENTAL PRINCIPLES

In exercising its duties and responsibilities under terms of the Licensing Act 2003, the Licensing Authority will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. In exercising its powers under the Act, the Licensing Authority will have regard to any relevant guidance issued by the Secretary of State under section 182 of the Act.

The Licensing Authority will exercise its duties so that the licensing objectives

of the Act are met. The licensing objectives are:

- The prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Licensing Authority confirms that each of these objectives is considered to be of equal importance.

Applications, Notices and Representations

The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act, are made in accordance with the Act and statutory guidance. In particular all such applications must be accompanied by the appropriate fee, where applicable, to be deemed duly made. Where applications are incomplete or inadequate and therefore not duly made, the whole application will be returned to the applicant. The Licensing Authority will do all that it can in such circumstances to provide guidance to an applicant on the reasons for the applications return. Where such applications are statutorily required to be advertised, or notified to other specified persons, the application must confirm that such advertising or notification has been properly made.

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this licensing policy, statutory requirements and current guidance issued by the Secretary of State. In order to maximise administrative speed, efficiency and cost effectiveness, the application will be determined in accordance with the delegation criteria detailed in section 13 of this policy.

The Licensing Authority will encourage all applicants intending to submit an application under the Act to carefully consider within the operating schedule accompanying the application, the steps that they propose to promote each of the licensing objectives.

Applicants should make themselves aware of the Licensing Authority's statement of licensing policy, in particular the issues that will need to be addressed in producing the operating schedule. Applicants are expected to have taken the wider local concerns and issues into account when establishing appropriate conditions to meet the licensing objectives. Issues such as drink spiking, irresponsible promotions, drink related violence and binge drinking.

Prospective holders of new premises licence and those seeking variations to existing licences are advised to consult with the Licensing Authority's licensing officers and other responsible authorities early in the planning stage in order to reduce the risk of confusion and dispute arising.

The Licensing Authority will expect representations on applications relating to licensable activities and applications for the review of existing authorisations under the Act to relate directly to the promotion of one or more of the licensing objectives and to be supported and justified by a proper evidence base.

It will also expect that where such representations are made by other persons and, in particular, by responsible authorities, they will have informed the applicant of their concerns with a view to agreeing amendments to the details of the application that are acceptable to all parties. Whenever feasible, the Licensing Authority will facilitate discussions between the applicants and objectors to assess whether a compromise can be agreed between both parties. Where such agreements are reached, the Licensing Authority after consulting other appropriate responsible authorities may then agree with the original parties that a hearing is no longer necessary.

When one part of the Licensing Authority seeks a premises licence from the licensing authority, the licensing committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application considered by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

Hearings and Determinations

Where an objection is received concerning the grant or variation of a licence for any purpose regulated by the Act, the matter will be determined in accordance with the terms of this licensing policy. The objection will be considered in accordance with the delegation criteria listed in the table in Section 13 of this policy.

Where the complaint or objection has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing this fact.

Where "relevant representations" (as defined in section 18(6), 31(5), 35(5), 52(7), 72(7), 85(5) and 88(7) of the Act) are received, the Licensing Authority will normally hold a hearing to consider them. Applicants will be advised of all representations and all parties involved will be informed of the time and place of the hearing.

Where no representations are received, representations are withdrawn, or agreements are made that a hearing on an application is unnecessary; the Licensing Authority will approve the application and only impose conditions that are consistent with operating schedules accompanying it and/or are statutorily required of it under sections 19, 20, 21, 73 and/or 74 of the Act.

Where, however, an application for review of an existing premises licence or club premises certificate is received in accordance with sections 52(1) or section 88(1) of the Act, respectively, the Licensing Authority will hold a hearing to consider it, whether or not representations are received. The application for review will be considered in accordance with the delegated criteria listed in the table at section 13.

The Licensing Authority will take steps to reject applications, to impose or modify conditions, to exclude specific licensable activities, or, to cancel or revoke existing authorisations under the Act, only where it considers such steps necessary for promoting one or more of the licensing objectives.

In relation to a refusal to grant a licence or club premises certificate, the notification will detail the grounds for the refusal and specify the process for the applicant to appeal against the Licensing Authority's decision.

In relation to a modification or the cancellation of a licence or club premises certificate, the notification will detail the grounds for the modification or cancellation and specify the process for the applicant to appeal against the Licensing Authority's decision.

Reviews

The availability of a review of licences or club certificates provides a key protection for the community where the Licensing Objectives are being undermined. The review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.

At any stage, following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

The Licensing Authority will accept initial email applications for reviews from Responsible Authorities. This does not however, negate the requirement to serve paper copies on all parties, including the Licensing Authority.

The Licensing Sub-Committee must, under section 52(4) of the Licensing Act 2003 having full regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives namely;

- (a) to modify the conditions of the licence
- (b) to exclude a licensable activity from the scope of the premises
- (c) to remove the Designated Premises Supervisor
- (d) to suspend the licence for a period not exceeding 3 months
- (e) to revoke the licence.

Summary reviews

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.

The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence,

disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

Conditions

The Authority will only be able to attach conditions (other than mandatory conditions) to a premises licence or club premises certificate if they are part of an applicant's operating schedule (including any conditions which may be subsequently volunteered by an applicant as a result of mediation following a representation), or by a decision of a Licensing Committee at a formal Hearing.

Any conditions which are attached to licences, certificates and other authorisations will be tailored to the individual style and characteristics of the premises and events concerned and will reflect, as far as possible, local crime prevention strategies. The Authority will not attempt to impose any 'blanket' conditions which apply to all premises but the applicant's operating schedule, which forms part of the application process should include sufficient information to enable a responsible authority or other person to assess whether the steps being taken to promote the licensing objectives are satisfactory or not.

When submitting operating schedules applicants are required by the Act to outline the measures which are being taken in order to meet the licensing objectives. These measures are likely to form the basis of conditions which will be attached to the grant of a premises licence or club premises certificate. However, only those conditions which are considered appropriate for the promotion of the licensing objectives will be imposed and any breaches of conditions will, in most cases, be dealt with primarily through the review process.

The responsible authorities identified in this statement may also propose conditions of their own by making representations to a grant or variation application. However, these cannot be over burdensome or disproportionate and will only be imposed by the Authority in cases where it is considered appropriate to meet the licensing objectives. Any conditions proposed by a responsible authority and agreed by an applicant in such cases can be attached to the premises licence without the need for a formal Hearing either by the applicant agreeing to amend their operating schedule to include any condition(s) agreed between the parties or if all parties agree that a hearing is not necessary.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. In circumstances where existing legislation already effectively promotes the licensing objectives it is likely that no additional conditions will be necessary. For this purpose each case will need to be assessed on its own individual merits.

Other regulatory controls are referenced in more detail in Section 4 of this policy document.

Petrol Stations s176

Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway

service areas (MSA's) and form premises which are used primarily as a garage or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- The retailing of petrol;
- The retailing of derv (diesel);
- The sale of motor vehicles; and
- The maintenance of motor vehicles.

It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises.

If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.

Wholesale of alcohol

From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>

Mobile, remote, internet and other delivery sales

The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and dispatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during

which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required

Suspension for Non Payment of Annual Fees

The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended. The Authority has to give a minimum two days notice of the licence/certificate being suspended if payment is not made. The Authority, in this case, considers that seven days notice is more appropriate.

Temporary Event Notices (TEN)

There are two types of temporary event notice (TEN) which can be given to the Council; standard and late. Anyone wishing to give a standard TEN to the Authority must do so at least ten (10) clear working days prior to the event in question.

If it is not possible to give ten (10) working days notice then a late TEN may be given as long as five (5) working days notice is given. If an objection to a standard TEN is made by the Police or Environmental Health to impose existing conditions and all parties agree that a hearing is not necessary, the Authority will not normally hold a hearing. If, however, the Police or Environmental Health object to a late TEN then it will not be possible for the event to go ahead. The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

Personal Licences - New Applications

A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a premises licence. Every premises licence that authorises the sale of alcohol must specify an individual who acts as the designated premises supervisor (DPS). The DPS must hold a personal licence.

Applications for personal licences should be made to the licensing authority for the area where the applicant is ordinarily resident at the time they make their application. The requirements are that:

- (a) The applicant is aged 18 or over
- (b) The applicant is entitled to work in the United Kingdom

- (c) The applicant possesses a licensing qualification or is a person of a prescribed description
- (d) The applicant has not forfeited a personal licence in the five year period prior to their application being made
- (e) The applicant has not been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty

The licensing authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) above.

Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the licensing authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, he must within 14 days, give the licensing authority a notice to that effect.

Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the licensing authority must grant the application.

At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the crime prevention objective
- The objection notice given by the Police or Home Office
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the applicant for the relevant offence
- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant

If, having considered all of the circumstances, the licensing authority considers that it is appropriate for either the promotion of the crime prevention objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of

police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

Personal Licences - Suspension and Revocation

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a licensing authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.

When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017.

The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.

If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.

The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take

action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

If the licensing authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the licensing authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.

Any representations made by the chief officer of police must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.

Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the licensing authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the licensing authority area, because it is the local chief officer who must provide representations if the licensing authority proposes not to revoke the licence.

Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the licensing authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

In deciding whether to suspend or revoke a personal licence, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence

The licensing authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the licensing authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence

has been made if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

The licensing authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

Immigration Act 2016 - Entitlement to Work

Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

Premises licences to sell alcohol or provide late night refreshment and Personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;

Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;

Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and

Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

The licensing authority will also work in partnership with the Home Office

(Immigration Enforcement) and the Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

Designated Premises Supervisor (DPS)

On premises where there is the supply or sale of alcohol, the Licensing Authority will require one of the personal licence holders to be a designated premises supervisor. The main purpose being to ensure that there is always one specified individual among the personal licence holders, who can be readily identified as having key responsibilities at the premises. Therefore it will be clear who is in charge of the day to day running of the business. Guidance issued under section 182 of the Act does not state that a designated premises supervisor must be physically on the premises at all times when there is a supply or sale of alcohol.

The premises licence will specify the name of the designated premises supervisor. It is the responsibility of the premises licence holder to notify the Licensing Authority immediately of any change of designated premises supervisor.

Removal of DPS requirement at Community Premises

Instead of being required by way of a mandatory condition, to appoint an individual as a designated premises supervisor, (DPS), volunteer committees managing community premises are now allowed to take joint responsibility for the sale of alcohol in community premises. Management Committees wishing to apply for the removal of the mandatory condition requiring a DPS at community premises will need to demonstrate clearly to the Authority how they operate and that there will be appropriate supervision of all alcohol sales at different types of events.

'Community premises' will include church halls, chapels, community and village halls and similar buildings. If there is any doubt as to whether a building is a community premises or not, the Authority will deal with such matters on a case by case basis with the main consideration being how the premises are being predominantly used, for example :

- a. are they genuinely made available for community benefit most of the time?
- b. are they accessible by a broad range of persons and sectors of the local community?
- c. are they being used for purposes which are beneficial to the community as a whole?

Applicants will be required to set out exactly how the premises are managed, its committee structure and how alcohol sales are to be properly supervised within the committee/management structure.

Adult Entertainment

An applicant wishing to provide adult entertainment should specify in the operating schedule what sort of adult entertainment they intend to provide and how frequently it will be provided. If sexual entertainment is to be provided, for example lap dancing, striptease etc. then a separate Sexual Entertainment

Licence maybe be required.

EMRO and Late Night Levy

There are no current proposals to implement a late night levy or introduce an early morning restriction order, but these will be kept under review in consultation with the Police and other responsible authorities.

Late Night Refreshment - Local Powers to Deregulate

Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.

This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

The licensing authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and having carried out a comprehensive consultation exercise with relevant stakeholders.

Working with Partners

The Licensing Authority recognises that licensing functions under the Licensing Act 2003 are only one means of promoting the delivery of the licensing objectives. The Licensing Authority is committed to working in partnership with a wide range of organisations, including Staffordshire Police, Fire, and Social Services Authorities, Planning Authorities, Environmental Health e.g. Tamworth Responsible Body Group, CIEH Shropshire and Staffordshire Licensing Group; Staffordshire and Stoke Responsible Body Group, Neighbourhood Authority Working Group; the Tamworth Local Strategic Partnership and Community Safety Partnership, local businesses e.g. Tamworth Licensees Forum or similar and Destination Tamworth, local communities, performers and other organisations, to deliver these objectives.

Rights of Individuals

This policy sets out the general approach this Licensing Authority will take in making licensing decisions under the Act. It does not seek to undermine the right of any individual to apply, under the terms of the Act, for a variety of

permissions and to have any such application considered on its individual merits.

Similarly, this policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

4 INTEGRATING OTHER REGULATORY CONTROLS

There are a number of other regulatory controls that may affect the Licensing Authority's licensing function. The Authority recognises that the licensing process should not duplicate powers; provisions or restrictions provided for in other legislation, and will in so far as possible avoid duplication of this kind. The Licensing Authority will be mindful of the following legislation and related strategies when executing its licensing functions under the 2003 Act:

1. The Licensing Act 2003, as amended;
2. Regulations and orders made under the Act;
3. Guidance issued by the Home Office; and
4. The principles of better regulation, particularly as set out in the Regulators' Code (BRDO 14/705 April 2014)

The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process. However, the Licensing Authority recognises that it cannot use its powers under the Licensing Act 2003 as a mechanism for enforcing other legislation where it is more appropriate to enforce those requirements through more specific statutory provisions.

Planning and Building Control

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing decisions will take into account any relevant planning decisions made by the Council's planning committee or made as a result of appeal and will not cut across such decisions.

Where applications relating to premises licences and club premises certificates involve material alterations to a building, the granting of any such licence/certificate will not relieve the applicant of the need to apply for planning permission or building regulation approval and refusal of either of these may be taken into consideration by the Licensing Authority when considering representations on such applications.

Where requested, the Licensing Authority will arrange for reports to be provided to the Council's planning committee on situations regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder, in order for that committee to have regard to such matters when considering planning decisions.

There are circumstances when as a condition of planning permission; a

terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Public Spaces Protection Order

The Designated Public Place Order (DPPO) was replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. DPPO's continue to be valid for a period of three years following commencement of the PSPO. Once the three-year period expires, they are treated as a PSPO and enforceable as such. At the time of reviewing this policy the following orders are in place:-

https://www.tamworth.gov.uk/sites/default/files/community_docs/Tamworth-PSPO-Alcohol-Control.docx

https://www.tamworth.gov.uk/sites/default/files/community_docs/Amington-Alcohol-Restricted-Zone.pdf

https://www.tamworth.gov.uk/sites/default/files/community_docs/Town-Centre-Alcohol-Restricted-Zone.pdf

Health and Safety

The Health and Safety at Work Act, etc. 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to people affected by work activities or the condition of the premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible.

Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation. In the majority of cases health and safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

Fire Safety

The licensing objective for public safety overlaps with fire safety requirements, which are enforced by the Staffordshire Fire and Rescue Service (FARS) under the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc Act 1974, in premises where licensable activities take place in the Borough of Tamworth. In the majority of cases, therefore, fire safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce

those requirements through more specific statutory provisions. However when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions. The Licensing Authority will not seek to impose any fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 applies.

Noise and Other Public Nuisance

The licensing objective for the prevention of public nuisance overlaps with statutory environmental health requirements for controlling statutory nuisances, including noise, which are enforced, in Tamworth Borough, by the Council under the Environmental Protection Act 1990. Powers under the Act are also available to the Police and, under the Anti Social Behaviour Act 2003, to Environmental Health Staff and authorised officers to secure the closure of licensed premises causing a public nuisance because of noise. In the majority of cases, therefore, controls to prevent statutory nuisance will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However, when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that there is the potential for noise (or other public nuisance such as that caused by light pollution, noxious smells and/or litter) and where it is considered that such statutory provisions do not provide for adequate protection with regard to public nuisance, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

Human Rights Act

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. When considering applications relating to licensable activities or representations on applications, the Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for their home and private life; and
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.

Disability Discrimination Act

This Act provides that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. From October 2004 service providers are under a duty to make reasonable adjustments to any physical features which make it impossible or unreasonably difficult for disabled persons to access a service, or they have to provide the service by a reasonable alternative means. The Licensing Authority will not attach conditions to licences or certificates which conflicts with or duplicates this requirement. Applicants may wish to obtain guidance from the Building Control Section of Tamworth Borough Council as regards access to buildings and their facilities, particularly as any alterations affecting access may require an application for building control approval. Further advice can also be obtained from the Disability Rights Commission at www.drc-gb.org.uk

Equality Act 2010

Tamworth Borough Council has adopted an Equal Opportunities Policy and a Race Equality Scheme in which it sets out how it aims to address race equality issues in the Borough, and to have due regard to eliminate unlawful discrimination, promote equality of opportunity and good relations between different racial groups. The Licensing Authority's undertaking of its licensing functions will therefore be monitored in accordance with Tamworth Borough Council's Equal Opportunities Policy and Race Equality Scheme.

5 INTEGRATING OTHER STRATEGIES

There are a number of strategic influences that may affect Tamworth Borough Council's licensing function. The following key areas have been considered during the formulation of this policy and will continue to be taken into consideration during administration and enforcement of the licensing process.

Corporate Vision

Tamworth's Vision;

is to put Tamworth, its people and the local economy at the heart of everything we do.

Community Strategy

Tamworth Community Safety Partnership contribute to Tamworth Responsible Body Group and this is reflected in the **Tamworth Community Safety Partnership Plan 2020-2023** www.safertamworth.org. We will consider any reports submitted to ensure that these needs are reflected in our licensing considerations.

Live Music, Dancing and Theatre

The Licensing Authority is aware of the need to encourage and promote a broad range of entertainment, particularly live music and dancing and traditional theatre performances. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Where there is any indication that such events are being deterred by licensing requirements,

this policy statement will be reviewed to see how that situation may be reversed.

In addition the Licensing Authority will consult the National Association of Local Government Arts Officers (NALGAO) for practical help and advice in this area when required.

To promote this policy, Tamworth Borough Council now holds its own premises licences for some public spaces within the Borough including St Editha's Square, some streets in the town centre, the Castle Pleasure Grounds and Wigginton Park. This is intended to encourage the above mentioned activities in that at these premises and venues performers and entertainers would not need to acquire a licence to perform but would only need the permission of the Council as the premises licence holder.

Live Music

As a result of recent changes made to the Live Music Act 2012 & Deregulation Act 2015 no licence is required for the following activities –

- a performance of unamplified live music between 08.00 and 23.00 on any day on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that:- (a) the audience does not exceed 500, and
(b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of:-
 - (i) a local authority, or
 - (ii) a school, or
 - (iii) a hospital, provided that:-
 - (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or
(ii) the school or
(iii) the health care provider for the hospital.

Transport

Licensing protocols agreed between the Licensing Authority and Staffordshire Police will be established and will incorporate any procedures necessary to ensure that adequate arrangements are made in local transport plans and, where appropriate, in conditions relating to premises licences and club premises certificates for the swift and safe dispersal of people from premises and events authorised under the Act.

Alcohol Harm Reduction Strategy

The Government published in (2012) its Alcohol Harm Reduction Strategy for England in this it outlined how the Licensing Act can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises or personal licences. On occasions when the Licensing Authority's decision making powers under the Act have been engaged, i.e. - upon receipt of relevant representations, this strategy will be taken into account specifically with regard to the sale of alcohol to under 18's and the impact of lack of effective steps to tackle antisocial behaviour.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, which seeks to ensure that drinks are packaged and printed in a socially responsible manner and only to those who are 18 years old or older, is commended for consideration by applicants whose proposed licensable activities involve the supply of alcohol.

Drug Abuse

The Licensing Authority would commend for consideration by applicants the strategy outlined in the Home Office Drug Strategy booklet - Safer Clubbing - Guidance for Licensing Authorities, Club Managers and Promoters.

On occasions when the Licensing Authority's decision making powers have been engaged, the Licensing Authority may impose special conditions for certain types of premises to prevent the sale and use of drugs and to create a safer environment for those who may have taken them. Conditions will take into account the Home Office "Safer Clubbing" guidelines and Annex D of the guidance issued under section 182 of the Act.

Director of Public Health

Health Bodies have been responsible authorities under the Act since April 2012 and health functions are now exercised by local authorities via the Director of Public Health. Although 'health' is not a licensing objective under the Act, health bodies hold certain information which other responsible authorities do not, but which would assist the Council in carrying out its licensing functions, especially in relation to the public safety or crime and disorder objectives.

Rebalancing Licensing

The Police Reform and Social Responsibility Act brought about amendments to the Licensing Act 2003. The legislative changes have been instigated by Her Majesty's Government giving a clear commitment to overhaul alcohol licensing and to tackle the crime and disorder, and associated health and social harms, associated with alcohol consumption. The changes also aimed to rebalance the 2003 Act in favour of local communities.

The majority of the new measures are in force, in particular these relate to:

- Late night levy
- Early morning restriction orders (EMROs)

6 OPENING HOURS

The Licensing Authority will deal with licensing hours on the merits of each individual application. The Licensing Authority will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.

The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may be an important factor in ensuring that the concentrations of customers leaving premises simultaneously are avoided. This will help reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. It will not, therefore, seek to impose fixed trading hours within any designated area, (i.e. zoning) but will take into consideration the individual merits of each application and any representations received from responsible authorities and/or other person regarding those applications.

When relevant representations have been received thus engaging the Licensing Authority's decision making functions under the Act, the Licensing Authority may, if appropriate, consider applying stricter conditions with regard to licensing hours for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This may particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving during normal night time sleeping periods (11:00pm – 07:00am). However, when considering applications, the Licensing Authority will consider each application on its merits and will have regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact.

In the absence of any relevant representations being received, the Licensing Authority will approve the application subject only to any applicable mandatory conditions and such conditions which are consistent with the applicants operating schedule.

With regard to shops, stores and supermarkets, the Licensing Authority will not seek to restrict the sales of alcohol for consumption off the premises during times when the retail outlet is open for shopping, unless representations received from any responsible authority or other person, regarding any of the licensing objectives being compromised, are substantiated. However, limitations on operating hours may be imposed as appropriate, for example in the case of specific premises known to be a focus of disorder and disturbance late at night.

7 THE LICENSING OBJECTIVES

Section 3 of this policy outlines the four licensing objectives which are paramount considerations at all times.

The following four sections of this policy (8, 9, 10, 11) provide further detail in respect of the four licensing objectives. The Licensing Authority recognises that applicants will know their businesses best and it is therefore for them to demonstrate how they will promote the four licensing objectives.

The Licensing Authority wishes to make it clear that where no relevant representations are received in respect of applications, the Licensing Authority will grant the application subject to any applicable mandatory conditions and such conditions which are consistent with the applicant's operating schedule. This is in line with Guidance issued by the Secretary of State under section 182 of the Act.

8 PREVENTION OF CRIME AND DISORDER

Tamworth Borough Council is committed to reducing crime and disorder and improving community safety in the Borough of Tamworth.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Tamworth Borough Council, Staffordshire Police, Staffordshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities. The Licensing Authority will therefore have regard to the likely impact of licensing on related crime and disorder in the Borough, particularly when considering the location, impact, operation and management of licensable activities.

Conditions relating to premises licences and club premises certificates will, so far as is possible, reflect local crime prevention strategies and, where the Licensing Authority is satisfied, having received reports from the Tamworth Community Safety Partnership through the LSP or from Staffordshire Police, that there are serious crime prevention issues that need to be addressed in a particular area or areas of the Borough, it will consider adopting a "saturation policy". Adoption of saturation policies is referenced in more detail in the Cumulative Impact Assessment pages of this policy document.

The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives and in particular the prevention of crime and disorder

The Licensing Authority recommends that all licensees of licensed premises be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises.

The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. When addressing crime and disorder, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these

identified issues should be included within the applicant's operating schedule.

Within the operating schedule for premises from which alcohol will be sold, a premises supervisor must be designated ('Designated Premises Supervisor' DPS). The Licensing Authority will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis.

Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the temporary event notice procedure. Depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

Security Operatives

Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA).

Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Harm Reduction Strategy.

All security operatives employed at licensed premises will be expected to display their identification as issued by the Security Industry Authority (SIA).

If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.

When the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such certain premises may require strict supervision for the purpose of the promotion of the licensing objectives, the Licensing Authority may impose a condition that licensed security operatives must be employed at the premises either at all times, or, at such times that certain licensable activities are taking place. However, the Authority will consider each application on its merits.

9 PUBLIC SAFETY

The Act covers a wide range and variety of premises that require licences, including cinemas, concert halls theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises will present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants against these risks as far as is practicable.

There are a wide range of statutory requirements as detailed in Section 4 in this policy which are separate regulatory requirements with which applicants and employers have a duty to comply.

The licensing authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.

The capacity of a premises is a legitimate public safety issue. The Licensing Authority is aware that from 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Under article 43 of the Fire Safety Order any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the Order, automatically ceased to have effect. This means that the Licensing Authority will not seek to impose fire safety conditions or capacity limits where the Order applies.

The Licensing Authority may set an occupancy capacity following representations from the Chief Fire Officer for Stoke on Trent and Staffordshire Fire Authority, after having regard to any guidance issued by the Secretary of State if considered necessary to meet the public safety licensing objective. Each application will be considered on its merits.

The Licensing Authority would recommend that applicants refer to the documents detailed at Appendix 2 of this policy for further guidance.

10 PREVENTION OF PUBLIC NUISANCE

Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. These issues mainly relate to noise nuisance, light pollution and noxious odours. However this will depend on the individual circumstances of any premises including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

There are a number of statutory controls available to deal with nuisance issues as outlined in Section 4.

When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these

identified issues should be included within the applicant's operating schedule.

Applicants need to be clear that where relevant representations have been received, the Licensing Authority may apply stricter conditions, including controls on noise and operating hours, where licensed premises are in residential areas.

11 PROTECTION OF CHILDREN FROM HARM

The protection of children from harm is an extremely important issue and is one of the statutory licensing objectives. It is the Licensing Authority's wish that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice.

It is also an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5:00am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or temporary event notice.

Otherwise, the Act does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity at those venues. However this does not mean that children should automatically be allowed access to such premises.

The Licensing Authority will enforce the requirements of the Act restricting access by children to premises and events licensed or authorised under the Act. It will not, however, seek to limit such access through the imposition of conditions (other than those statutorily required of it), unless representations are received from any responsible authority or other person and it is considered necessary to impose limitations for the prevention of physical, moral or psychological harm to children.

The Licensing Authority recognises Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate charged with the responsibility for or interest in matters relating to the protection of children from harm and the Staffordshire Police as the responsible authorities for advising the Licensing Authority in matters relating to the protection of children from harm and competent to advise it on such matters.

When addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be

included within the applicant's operating schedule.

When considering applications and deciding whether to limit access of children to premises, the Licensing Authority will judge each application on its own merits.

However the Licensing Authority will have particular regard to premises where there is substantial evidence that:

- Entertainment or services of an adult or sexual nature are commonly provided such as topless bar staff, striptease, lap-, table- or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language
- there have been convictions of members of the current staff at the premises for serving alcohol to minors, or, the premises has a reputation for underage drinking;
- there is a known association with drug taking or dealing;
- there is a known association with prostitution;
- there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

Where concerns have been identified in respect of individual premises, and it is felt that the access of children should be restricted the Licensing Authority may consider the following options:

- Limiting the hours when children may be present;
- age limitations (below 18);
- limiting or prohibiting access when certain activities are taking place;
- fully excluding persons under the age of 18 from the premises when certain licensable activities are taking place;
- limitations on access to certain parts of the premises for persons under 18;
- permitting access only when accompanied by an adult.

The above list is not exhaustive and the alternatives may be adopted in combination.

Applicants applying for premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules where their risk assessments have determined the presence of children is undesirable or inappropriate.

Where no relevant representations are made to the Licensing Authority, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the

Licensing Authority in these circumstances.

The Portman Group operates on behalf of the alcohol industry a Code of Practice on the Naming, Packaging and Promotion of alcoholic drinks. The Code seeks to ensure that alcoholic drinks are only marketed to those 18 years and older. The Licensing Authority commends the adoption of this Code by all relevant parties.

The Licensing Authority will, as required by the Act, impose a condition on all licences and certificates authorising the exhibition of films, requiring the admission of children to be restricted in accordance with the recommendations given to films by a body designated under Section 4 of the Video Recordings Act 1984 (at the date of publishing this policy the British Board of Film Classification was the only body so designated), or in specific cases the Licensing Authority itself. The Licensing Authority will expect that operating schedules accompanying applications relating to activities involving film exhibitions will include details of the arrangements proposed for preventing children from viewing age restricted films.

When considering any application, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Where representations are received from a responsible authority regarding regulated entertainment attended by children, the Licensing Authority will consider imposing conditions requiring the presence of adult staff for the purposes of controlling access and egress from the premises and for the protection of children from harm. The numbers of adults required will be determined through consultation with the appropriate responsible authorities defined in Section 13(4) and Section 69(4) of the Act; i.e., Staffordshire County Council through its Safe Guarding Children's Board or any successor Board or Directorate and the Chief Fire officer for Stoke on Trent and Staffordshire Fire Authority.

The Licensing Authority will not impose any condition specifically requiring access to be provided for children at any premises. Where no restriction or limitation is imposed, the issue of access will remain a matter for the discretion of the individual licence/certificate holder.

Illegal Sales of Age Restricted Goods.

The Licensing Authority recognises the important work carried out by Staffordshire County Council Trading Standards and Staffordshire Police in this field. The Licensing Authority, Staffordshire County Council Trading Standards and the Police take a very serious view of the illegal sale of alcohol and other age restricted goods and the Licensing Authority will work closely with Trading Standards and the Police to seek to ensure that illegal sales of alcohol and other age restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards has, over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place. Trading Standards will

continue to regularly conduct covert test purchasing exercises with volunteers in response to complaints and local intelligence. Trading Standards have been successful in bringing a number of prosecutions recently; having particular regard to the link between alcohol and crime and disorder issues, and this continues to be a concern of Staffordshire County Council under the Licensing Act 2003.

Staffordshire Trading Standards have issued guidance that applicants may wish to consider in respect of underage sale of alcohol and other age restricted goods. Copies of this guidance can be obtained from Staffordshire Trading Standards or from the Licensing Authority.

Guidelines to be followed by the Licensing Committee when dealing with a review application following underage sales of alcohol

The Act provides the Council with a wide range of powers to be used when determining a review application. There are a number of steps which the Committee can take in order to promote the licensing objectives, as follows:

- a. modify the conditions of licence
- b. exclude a licensable activity from the scope of the licence
- c. remove the designated premises supervisor
- d. suspend the licence for a period of up to 3 months
- e. revoke the licence

When deciding which steps are appropriate, each case will be judged on its own merits but, the Committee will consider taking tougher steps in cases where, for example: an underage sale of alcohol has been made and there are related issues involving the use of counterfeit or illicit alcohol from the same premises, or the premises have already been before the Committee previously for an underage sale and conditions were imposed at that time.

Where a premises licence has been revoked by the Committee or one of its panels, the Authority will not normally grant an application for a new premises licence within 12 months of the date of the revocation, where there has been an objection to the application, when they are not satisfied that the management structure of the premises is not related to the management involved in the revoked licence and when one or more of the licensing objectives is undermined by such a circumstance. However, each application is to be considered on its own merits and this part of the policy does not fetter the discretion of the Committee and Panels. The Authority must carry out its functions with a view to promoting the licensing objectives.

Any action taken by the Committee or Panel should be an appropriate and proportionate response.

Nothing within this policy removes the discretion or judgement from the Committee or Panel when considering a review of a licence and each application and representation will be considered on its own merits. If the Committee or Panel depart from this policy or the guidance, reasons will be given.

12 ENFORCEMENT

The Licensing Authority has established good working relationships with the Police and other enforcing authorities. These arrangements provide for the targeting of agreed problem high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Licensing Authority will incorporate the Hampton principles of inspection and enforcement into these activities. Consideration will also be given to any relevant codes of practice issued by the Better Regulation Delivery Office (BDRO).

It is intended that in general, action will only be taken in accordance with agreed enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained. In addition, any enforcement action undertaken will be with a view to upholding the promotion of the licensing objectives

13 THE LICENSING PROCESS AND DELEGATION OF FUNCTIONS

The Licensing Authority's licensing functions will be discharged by the licensing committee. To facilitate the processing of applications made under the Act and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority's licensing committee will delegate those functions to sub committees, each of which will comprise three members of the licensing committee.

Many of the licensing committee's decisions will be purely administrative and, where under the provisions of the Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objections to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be delegated to officers of the Licensing Authority who are responsible for the administration and enforcement of the Act.

The Licensing Authority's licensing committee will receive regular reports on decisions made by officers and its sub committee so that it maintains an overview of the general licensing situation in the Borough.

Applications will be determined in accordance with the following delegation criteria:

Function	Full Committee	Sub Committee	Officers
Application for personal licence		Where an objection has been received from the Police or Home Office	Where no objection received
Decision whether to suspend or revoke a personal licence		All cases	
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	Where objection relates to cumulative impact	Where "relevant representation" has been made	Where no "relevant representation" made or all representations made are withdrawn
Application for provisional statement	Where objection relates to cumulative impact	Where "relevant representation" has been made	Where no "relevant representation" made or all representations made are withdrawn
Application to vary a premise licence/club premises certificate	Where objection relates to cumulative impact	Where "relevant representation" has been made	Where no "relevant representation" made or all representations made are withdrawn
Application to vary designated premise Supervisor		Where an objection has been received from the Police	Where no objection has been received
Application for the mandatory alcohol condition under the Licensing Act		If a police representation is made	All other cases

2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied			
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Application for transfer of premise licence		Where an objection has been received from the Police or Home Office	All other cases
Applications for interim authority notices		Where an objection has been received from the Police or Home Office	All other cases
Application to review premise licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

Acknowledgement of receipt of a temporary event notice			All cases
Determination of a Police or environmental health representation to a temporary event notice		All cases	
Decision to suspend a licence or certificate for non-payment of the annual fee			All cases

Where a councillor who is a member of the licensing committee or a licensing sub committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the premises licence in question.

The Licensing Authority's nominated officers will deal with all licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Entitlements to appeal for parties aggrieved by decisions of the Licensing Authority are set out in Schedule 5 of the 2003 Act. Other than in the case of personal licences, an appeal has to be made to the magistrates' court. In which the premises concerned is situated. In the case of personal licences, the appeal must be made to the magistrates' court for the area in which the licensing authority (or any part of it) which made the decision is situated.

14 EQUAL OPPORTUNITIES

The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relation, between persons with different protected characteristics, for example age, disability, race and religion.

Tamworth Borough Council has a Statement of Intent for Equality and Diversity which requires that services are provided that embrace diversity, promote equality of opportunity and access. The statement can be found at <http://www.tamworth.gov.uk/equality-and-diversity>

15 FURTHER INFORMATION

Further information about the Licensing Act 2003 and the Licensing Authority's licensing policy can be obtained from:

Growth and Regeneration
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Telephone (01827) 709445

E-mail publicprotection@tamworth.gov.uk

This policy is available on the Council's web-site www.tamworth.gov.uk

Definitions

The following definitions are included to provide an explanation of certain terms included in the Act and therefore in this policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Appeals

Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Council's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

Authorised Persons

"Authorised Persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health officers.

Other persons

This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.

Responsible Authorities

"Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection and other specified authorities. Only these groups can make representations about an application for a premises licence.

Closure Order

New powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

Club Premises Certificate

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

Conditions

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides "The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

Designated Premises Supervisor

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the premises licence or will be the premises licence holder themselves (who must also be a personal licence holder).

Interim Authority Notices

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to Police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to "interim authorities" and "protection orders" under the Licensing Act 1964.

Late Night Refreshment

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

Licensable Activities

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club;
- the provision of regulated entertainment;
- the provision of late night refreshment.

Licensing Authority

Tamworth Borough Council

Licensing Objectives

The objectives of licensing set out in the Act:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- and the protection of children from harm.

The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

Licensed Premises

Includes club premises and events unless the context otherwise requires.

Mandatory Conditions

Conditions that the Act requires are imposed on a premises licence, club premises certificate or personal licence.

Objection Notice

A procedure whereby the police can object to the grant of a personal licence on the grounds where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

Operating Schedule

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the licence holder to tackle the four licensing objectives;
- the licensable activities to be conducted on the premises;
- the times during which the licensable activities are to take place and any other times when premises are open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor.

Personal Licence

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts indefinitely. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the Police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

Provisional Statement

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a "provisional grant" under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

Qualifying Club

Club premises certificates will be issued to qualifying clubs formerly registered members clubs. To be eligible for a club premises certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to

support that the club is non profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

Regulated Entertainment

The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

Relevant Offences

Relevant offences are set out in Schedule 4 to the 2003 Act.

Relevant Representations

The 2003 Act does not use the term "objections". Instead authorised persons, other persons and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an other person must not be frivolous or vexatious. When considering an application from an other person or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take "steps" consistent with the licensing objectives when considering the application.

Review of Licence

Where a premises licence is in force an other person or responsible authority may apply to the Council for it to be reviewed. The Council must hold a hearing to review the licence and as a result must take any necessary

steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to 3 months; or the revocation of the licence.

Responsible Authority

- the Chief Officer of Police in the area where the premises are situated;
- the Fire Authority in the area where the premises area situated;
- the enforcing authority for Health and Safety at Work.
- the Local Planning Authority;
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health;
- the body representing matters relating to the protection of children from harm;
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.

Statement of Licensing Policy

The licensing authority must prepare and publish a statement of its licensing policy every 5 years. However, this policy (2023 – 2025) will be reviewed in 3 years. This is because the licensing policy now includes a Cumulative Impact Assessment. The legislation requires that the Cumulative Impact Assessment is reviewed every 3 years and therefore the Statement of Licensing Policy will be reviewed at the same time.

Temporary Event Notice

There are two types of TENs, standard TENs and late TENs. These are subject to different processes; a standard TENs is given no later than ten working days before the event to which it relates and a late TENs is given not before nine and not later than five days before the event.

If a Premises is not authorised by a Premises Licence or Club Premises Certificate to carry on licensable activities but wishes to do so then a TENs is required. A TENs is also required if a Premises currently holds a Licence but wishes to carry on other licensable activities that are not included in the Licence. At least 10 working days' notice is required for a TENs (not including the day the Application is submitted or the day of the event). Staffordshire Police and the Local Authority Environmental Health have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.

Late Temporary Event Notices

Late temporary event notices can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Council, must also be sent by the Premises user to the Police and Environmental health. If there is an objection to a late TENs the event cannot go ahead. A late TENs given less than five days before the event to which it relates will be returned void and the activities to which it relates will not be authorised.

[Note: All temporary event notices are subject to limitations].

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

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List of Publications That Provide Guidance When Considering Public Safety

It is recommended that those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider the following:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (2002) ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications);
- The Event Safety Guide – The Purple Guide to health, safety and welfare at music and other events -The Events Industry Forum
- Managing Crowds Safely: guide for organisers at events and venues (HSE 2000) (HSG 154) ISBN 0 7176 1834 X;
- 5 Steps to Risk Assessment: Case Studies (HSE 1998, reprinted 2002) (HSG 183) ISBN 07176 15804;
- The Guide to Safety at Sports Grounds 5th revised edition The Football Licensing Authority written for - The Department for Culture, Media and Sports (DCMS) ISBN 10 0117020745; ISBN 13 9780117020740
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through:
www.streetartsnetwork.org.uk/publications./index.php
- The London District Surveyors Association's "Technical Standards for Places of Public Entertainment" (2001) ISBN 0 9531229 2 1.

The following British Standards should also be considered:

- BS 5588-6:1991 Fire precautions in the design, construction and use of buildings. Code of practice for places of assembly
- BS 5588-9:1999 Fire precautions in the design, construction and use of buildings. Code of practice for ventilation and air conditioning ductwork
- BS 5588-8:1999 Fire precautions in the design, construction and use of buildings. Code of practice for means of escape for disabled people
- BS 5839 (fire detection, fire alarm systems and buildings)
- BIP 2081:2006 A Guide to Emergency Lighting ISBN 0580 47755

However, in consulting these texts, those creating operating schedules or club operating schedules, the licensing authority and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.

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TAMWORTH BOROUGH COUNCIL - CUMULATIVE IMPACT ASSESSMENT

The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment contained in the following pages.

The statements within the policy are aimed at encouraging best practice; a safe environment and to actively promote the four licensing objectives.

The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the justification for the Cumulative Impact Assessment and supporting evidence within the licensing policy document, it is considered that this would make a summary unnecessary and would duplicate the information provided in the pages that follow.

Cumulative Impact Assessments – Background

The concept of Cumulative Impact has been described within the Secretary of State's Guidance (section 182) since the Licensing Act 2003 came into force. It has been part of the Council's licensing policy since May 2005.

Cumulative impact is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. In some areas where the number and type or density of licensed premises, such as those selling alcohol or providing late night refreshment is high, serious problems of nuisance and disorder may arise outside or some distance from those premises

Such problems generally occur when large numbers of drinkers are concentrated in one area at peak times when queuing for transport or food. These can attract criminal activity such as drug dealing or street robbery. The effect of this type of concentration of people can also place increased pressure on local transport and public services resulting in littering and public nuisance.

The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement and when determining applications under the Act.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act.

Reasons for the Cumulative Impact assessment

One of the Council's key objectives is to seek a reduction in crime and disorder throughout the Borough, consistent with its statutory duty under section 17 of the Crime & Disorder Act 1998, and an improvement in local

amenity through the reduction of antisocial behaviour.

The Licensing Authority is aware of the potential link between an increase in licensed premises within the town centre and the rise in the number of violent crimes, and antisocial behaviour.

The cumulative impact of people dispersing from an area can also disturb nearby residents

The Licensing Authority is mindful of the need to safeguard users of the late night economy, in relation to crime and disorder but also from alcohol harm. It recognises its responsibilities to protect children from harm and to promote public safety. The concentration of licensed premises, whose primary function is the consumption of alcohol can increase the vulnerability of people and result in alcohol harm.

The authority recognises that the impact of longer hours can be a factor as well as the density of the premises, and this issue will be given due consideration in any decision.

Town Centre Cumulative Impact Assessment Area – General Principles

A cumulative impact assessment may be published by a Licensing Authority to help it limit the number of applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Cumulative impact relates to applications for new premises and club premises licences and variations of existing licences.

A cumulative impact assessment must include a statement stating that the licensing authority considers that the number of premises in the identified area is causing a cumulative impact. The statement must encompass that if a special policy relating to cumulative impact is not put in place then it will impact on the ability of the authority to uphold the licensing objectives. The cumulative impact once identified must relate to licensable activities.

The publication of a cumulative impact assessment does not remove the Licensing Authority's discretion to grant applications for new licences or applications to vary, where the authority considers this to be appropriate to the individual circumstances of the case.

This Cumulative Impact Assessment will therefore be published under these new provisions of the Licensing Act 2003. The assessment will be reviewed every three years from the date it comes into force, consulting the persons outlined in Section 5 of the Licensing Act 2003.



Tamworth Town Centre Cumulative Impact Assessment

Inspector 5316 Stuart Coleman
20th September 2022

Introduction

Tamworth town Centre is the focal hub for come daytime (retail) and most night-time economy within the wider borough. Tamworth is made up of several different ward areas within the borough which encircle the town centre, these being Mercian and Spital, Coton Green, Kettlebrook, Belgrave, Glascote and Glascote Heath, Stonydelph, Amington, Bolehall, Wilnecote, and Dosthill. The night time economy in the Town Centre attracts visitors, not only from within the borough, but also from outside of Tamworth. There are several good transport links to other towns and cities nearby, including Birmingham, Lichfield, Nuneaton, Atherstone, Burton on Trent, and Sutton Coldfield, all of which contribute to the night time economy.

Whilst there are licenced premises elsewhere in the Tamworth Borough, it is the Town Centre which is by far the busiest area and contributes significantly more to the associated crime and disorder than anywhere else.

The coronavirus pandemic had a significant impact on the trading of licenced premises where government lock-downs were imposed and members of the public remained apprehensive due to the potential risks around infection. The report will therefore consider post-pandemic data as being representative of normal business relating to the night-time economy in Tamworth Town Centre.

For the most part crime and disorder attributed to the night time economy takes place as bordered by the River Anker to the South and the East, Aldergate and Tamedrive to

the West, and Offadrive/railway line to the North. The below map shows the Tamworth Town Centre area:



Licensed Premises

There are currently 27 licensed premises in Tamworth Town Centre giving a varied mix of businesses involved within both the daytime and night time economy. The vast majority of venues close between 2300 – 0200hrs with 4 regular premises making use of an extended 0300hrs license on a Friday and Saturday evening.

It is observed through discussion with premise managers that licensed premises will employ discretion and close earlier than their normal licensing hours where it is financially advantageous for them to do so.

Friday and Saturday nights traditionally see the most patrons attending the town with average numbers beginning to increase steadily from 6pm and peaking around 2230 - 2300hrs.

Venues that close between 0200 – 0300hrs will see exiting patrons often gathered in number on Gungate, Spinning School Lane, Colehill, Bolebridge Street, Corporation Street, and Church Street.

Popular bars which attract greater number of patrons during evening hours are commonly:

ATIK, SPINNING SCHOOL LANE/GUNGATE
JYNX, BOLEBRIDGE STREET
THE PENNY BLACK, COLEHILL
BONDS, CHURCH STREET

Representations have been made via the support of Staffordshire Police Licensing in recent years to a number of premise owners, and Designated Premise Supervisors (DPS) relating to poor license observations, drunkenness of patrons, drug possession / supply, violence and related criminality.

It is anticipated, in the wake of a POST-COVID19 environment that an increase for later trading hours for alcohol licensing will be applied for by both existing and new businesses. Such applications would be subject to very close scrutiny and liaison with Staffordshire Police Licensing and Local Authority Licensing teams.

Public / Private Transport

With the support of the local authority, both private hire and hackney carriage services are pooled at agreed locations on Church Street, Corporation Street, and Upper Gungate. Daytime provisions operate within agreed bus routes, taxi ranks and railway station.

Policing

Night time economy is policed by a small team of officers, complemented by a number of Special Constables based at Tamworth Fire and Police Station, Belgrave, Tamworth. This offers solely high visibility foot and mobile patrol of the town centre area from 2000 – 0300hrs. Officers operate a meet and greet theme to ensure patrons and premises staff are reassured by an early policing presence when visiting, with this presence continuing into the night. Police make frequent use of relevant legislation to prevent, detect and deter crime with the focus of promoting a safer environment for businesses and visitors of the town centre. The resilience of the local policing team is significantly reduced after 03.00 hours and relies on a night shift which assumes responsibility for the policing of the Town Centre alongside the rest of Tamworth Borough.

CCTV

The majority of local businesses offer their own private and independent CCTV systems in addition to a system of newly upgraded CCTV cameras owned by Tamworth Borough Council. The provision of a monitoring terminal for Tamworth Local Policing team within the Fire and Police Station is used daily for both live and evidential reviewing for investigative purposes.

Crime and antisocial behaviour

The data in the following tables have been sourced from the official reported incidents and do not indicate whether there has been sufficient evidence to confirm an offence has occurred. That being said, the data contained within is a useful indicator of the frequency and volume of incidents and the impact that the night time economy has on the local community.

The data used has been selected to compare the period of 'normal business' in the two years prior to the coronavirus pandemic, with the latest figures, most closely matching the current situation. This has been done to ensure that we are able to compare based on constant variables, and so the figures are not distorted by Government Lockdowns and consumer apprehensiveness. The incident types have been selected as those associated most with the night time economy.

CRIME	12 months to Sept 2019	12 months to Sept 2020	12 months to Sept 2022	+ / -	+ / - %
VIOLENCE	130	117	174	+ 57	+ 49%
ROBBERY	13	7	20	+ 13	+ 186%
SEXUAL OFFENCES	19	20	30	+ 10	+ 50%
PUBLIC ORDER	40	31	65	+ 34	+ 109%
CRIMINAL DAMAGE	28	32	60	+ 28	+ 88%
DRUGS POSSESSION	22	14	17	+ 3	+ 21%

ASB type	12 months	12 months	12 months	+ / -	+ / - %
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	to Sept 2019	to Sept 2020	to Sept 2022		
PERSONAL	No Data	24	46	+ 22	+ 92%
COMMUNITY	No Data	52	117	+ 65	+ 125%
ENVIRONMENTAL	No Data	3	1	- 2	- 66%

Across the broad spectrum of crime and antisocial behaviour incident types, there has been a general reduction in reported incidents leading to the coronavirus pandemic. In the most recent 12 months period the Town Centre has experienced a sharp increase of all crime types and antisocial behaviour, which exceeds the levels in both years before the pandemic.

The following table provides data relating to total incident level increases in the past 2 years. It demonstrates that the percentage increase in Tamworth is greater than all parts of Staffordshire, only with the exception of Hanley, Stoke on Trent.

Town Centres	Last 12 months - Last Year	Last 12 months - This Year	% change
Hanley Town Centre SCB1 & SCB6	930	1,435	54%
Tamworth Town Centre EW00	392	561	43%
Stafford Town Centre WM05	844	1,185	40%
Leek Town Centre NA02	198	276	39%
Newcastle Town Centre NB61	688	841	22%
Hednesford Town Centre WV02	141	172	22%
Cannock Town Centre WV41 & WV43	534	648	21%
Lichfield Town Centre ER00 & ER03	521	627	20%
Burslem Town Centre SC73	448	514	15%
Burton Town Centre EP15 & EP30	1,453	1,666	15%
Longton Town Centre SG61	379	423	12%
Utttoxeter Town Centre EP51	274	286	4%
Stone Town Centre WM73	202	207	2%

CONCERNS

There is a consistent theme of crime and antisocial behavior impacting on both daytime and night time economy.

Figures show an increase in all crime types associated with the night time economy, including violence, public order and sexual offences.

In the post-pandemic town centre, Tamworth has experienced an increase in crime and disorder to above pre-pandemic levels. The factors causing this increase are not known.

The local policing team is engaged in weekly collaborative Safer Nights policing operations which involves, as well as public and business engagement, high visibility patrolling and positive action approach to arresting perpetrators. This is a labor-intensive approach to reducing crime and disorder and could not feasibly be scaled-up in a meaningful or impactful way, due to the pressure on police resources.

After 03.00 hours on the weekends, the police resources are reduced dramatically, particularly in the town centre, and any later opening of licenced premises represents an additional threat to order in the locality.

As part of a wider approach to tackling the causes of the crime and disorder, it is recommended that the cumulative impact policy is maintained in Tamworth

New businesses are warmly welcomed by the local policing team and will be afforded equal levels of support and intervention where needed to tackle crime and disorder.



Consultation Response for Cumulative Impact Assessment

The provision of the Cumulative Impact Policy for the relevant area (subsequently changing to Cumulative Impact Assessments (CIA) if retained) has been relied upon to prevent a further rise in alcohol related crime and disorder in relation to licensed premises.

This has only been used when relevant and has not been utilised to prevent economic growth within the town. When the Police use, or reference to the policy has been challenged by the legal profession representing the licensing trade, the Police have been able to demonstrate that it has been proportionate in the circumstances to cite it.

The Police continue to assess all applications on their own merits and recognise that the CIA policy should not be applied to all applications. Due to this approach and through engagement with the representatives of the licensing trade, numerous applications have been granted without the need for a hearing before the licensing subcommittee.

Businesses with an earlier terminal hour can flourish, largely with no calls for service to the Police, which shows not only the economic prosperity they can bring but also an operational demonstration that the licensing objectives are not being undermined. It is premises in the Night Time Economy which focus on vertical drinking activities that require the majority of focus from both the Local Policing Teams and the Police Licensing Unit.

There are a variety of licensed premises situated within the town centre, that due to a number of factors around them bring the need for a policing response, whether that be from those operationally policing the locality or the Police Licensing Unit. It is premises of this nature where this policy is recognised as being relevant whether it be a new application or a variation to an existing one.

The Police are also aware that some local authorities removed their respective CIA zones during the Covid pandemic, however at the same time other authorities renewed and retained theirs. In addition, some policies that were removed during the pandemic have been reinstated. It is contended that Tamworth CIA should remain. With correct usage which is detailed above, and also with the scrutiny of the licensing subcommittee should a matter be brought before them, each application can still continue to be viewed on its own merits with the authorities retaining the ability, where appropriate, to utilise the CIA to keep communities safe from an increase in violence and disorder.

Due to the balanced approach shown by the Police it allows for businesses to come to the town centre and prosper without impacting on the already existing issue of violence and disorder. Those which can be shown to have a detrimental impact are prevented from negatively contributing further.

There are other mechanisms under the Licensing Act 2003 to deal with premises that are contributing to crime and disorder such as the Review process, however that is a reactive element whereas the provision of a Cumulative Impact Assessment as part of the Local Authority Statement of Licensing Policy truly allows for the prevention of further premises contributing to existing problems and puts the onus more firmly on the applicant to evidence that they will not do this.

With reference to the Revised Guidance issued under section 182 of the Licensing Act 2003, specifically Chapter 9, paragraph 12 provided the following reference as shown in italics, particularly the highlighted element: -

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Therefore, should the CIA not be renewed the position of Staffordshire Police is that there is likely to be a rise in alcohol fuelled crime and disorder. Premises who operate in the Night Time Economy have previously made enquiries in relation to extending their terminal hours with one venue wishing to operate until 0530hrs.

Previous experience within other town centres has shown that this often does not extend the operating times of premises but actually moves their start time later into the night. In effect they operate for the same length of time but are actually closed early evening. This can give rise to preloading by those members of the public visiting town centres who have been drinking elsewhere and then arriving in the town centre already heavily under the influence of alcohol.

Due to the circumstances outlined it is requested that the Cumulative Impact Assessment be adopted for the relevant area of Tamworth as it is an appropriate element to be contained within the wider Statement of Licensing Policy.

PS 4613 Jim Finn

Licensing Manager.

Police Licensing Unit

Staffordshire Police Headquarters

Stafford

ST18 0YY

Nudity Striptease and Other Entertainment of an Adult or Sexual Nature

- 1) This part of the policy statement details the approach of the Licensing Authority to entertainment involving nudity, striptease or other entertainment of an adult nature and applies to applications relating to:
 - new premises licence;
 - new club premises certificate;
 - variation of a converted premises licence;
 - variation of an existing premises licence;
 - variation of a converted club registration certificate;
 - variation of an existing club premises certificate; and
 - a provisional statement.

In which entertainment involving nudity, striptease or other entertainment of an adult nature is proposed.

- 2) This part of the policy also applies to reviews.

The Policy

- 3) On the 2nd of June 2010 the Council's Cabinet adopted the new powers under section 27 of the Policing and Crime Act 2009 regarding the regulation of Sexual Entertainment Venues including lap dancing.
- 4) The Council is aware of the Indecent Displays Act 1981 and other legislation covering indecency and obscenity, and notes the Secretary of State's Guidance (para. 2.17) in not seeking to use the Licensing Act 2003 or the police and crime act to go beyond these other legislative controls.

Licensing Act 2003 - Names and Addresses of Responsible Authorities

Chief Officer of Police
Staffordshire Police Licensing
Early Intervention and Prevention Unit
Block 9 Ground Floor
Weston Road
Staffordshire
ST18 0YY
Tel - 01785 235699
Email - licensinghq@staffordshire.pnn.police.uk

Fire and Rescue Authority
Eastern Service Delivery Group
Staffordshire Fire & Rescue Service
Lichfield Fire Station
Birmingham Road
Lichfield
Staffordshire
WS13 6HU
Tel - 01785 898 958
Email - esdg.protect@staffordshirefire.gov.uk

Child Protection
Deputy Corporate Director
(Partnerships & Service Development)
Children & Lifelong Learning
Walton Building
Martin Street
Stafford
ST16 2LH
Tel - 01785 223121
Email - sscb.admin@staffordshire.gov.uk

Trading Standards
Staffordshire County Council
Trading Standards
Floor 1, Castle House
Barracks Road
Newcastle under Lyme
Staffordshire
ST5 1BL
Tel: 01782 297000
Email: licensing@staffordshire.gov.uk

Pollution

Pollution Team
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ
Tel - 01827 709 445
Email -
environmentalprotection@tamworth.gov.uk

Health and Safety
When the Enforcing Authority for health and safety purposes is the Tamworth
Borough
Council:
Health & Safety Team
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ
OR
Tel - 01827 709 445
Email - publicprotection@tamworth.gov.uk

When the Enforcing Authority for health and safety purposes is the Health &
Safety
Executive (HSE):
Health & Safety Divisional Director
Health & Safety Executive
Hornbeam House
Electra Way
Crewe
CW1 6GJ
Tel - 0300 003 1747
Email - Formsadmin.Newcastleunderlyme@hse.gov.uk

Local Planning Authority
Planning Team
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ
Tel - 01827 709 312
Email - cp&padmin@tamworth.gov.uk

Public Health

Director of Public Health
Staffordshire County Council and
Staffordshire NHS
Wedgwood Building
Tipping Street
Stafford
ST16 2DH
Tel: 0300 111 8000
Email - publichealth@staffordshire.gov.uk

Home Office (Immigration Enforcement)
Home Office (Immigration
Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Tel - 0300 123 7000
Email - Alcohol@homeoffice.gsi.gov.uk

In relation to vessels the following also need to be consulted:

British Waterways Board
British Waterways Board
West Midlands Office
Peel's Wharf
Lichfield Street
Fazeley
Tamworth
Staffordshire
B78 3QZ
Tel: 01827 252000
Email:
enquiries.westmidlands@britishwaterways.co.uk

Environment Agency
Central Area Office
Environment Agency Sentinel House
Wellington Crescent
Fradley Park
Lichfield
Staffordshire
WS13 8RR
Tel: 0370 850 6506
Email: enquiries@environment-agency.gov.uk

Matrix of changes

Page Number	Current Wording	New Wording
3	Tamworth’s resident population of around 76,800 (Source – Census 2011, ONS)	Tamworth’s resident population of around 78,500 (Source – Census 2021, ONS)
3	It has the highest population density (24.2 people per hectare) of all Southern Staffordshire districts and second only to Stoke on Trent (25.8 people per hectare) in the County as a whole.	As of 2021, Tamworth is the ninth most densely populated of the West Midlands' 30 local authority areas, with around 18 people living on each football pitch-sized area of land.
4	<p>Deleted:-</p> <p>Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:</p> <ul style="list-style-type: none"> • A performance of a play; • an exhibition of a film; • an indoor sporting event; • boxing or wrestling entertainment; • a performance of live music (not incidental music, i.e. piano in a restaurant); • any playing of recorded music; • a performance of dance; • provisions of facilities for making music; • entertainments of a similar description to the performance of live music, the playing of recorded music and the performance of dance where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience. <p>Subject to the qualifying conditions, definitions and the exemptions, entertainment facilities include facilities for enabling persons to take part</p>	<p>Inserted:-</p> <p>The descriptions of entertainment activities licensable under the 2003 Act are:</p> <ul style="list-style-type: none"> • a performance of a play; • an exhibition of a film; • an indoor sporting event; • a boxing or wrestling entertainment; • a performance of live music; • any playing of recorded music; • a performance of dance; and • entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

	<p>in entertainment for the purpose of, or for the purposes that include the purpose, of being entertained:</p> <p>a) Making music;</p> <p>b) dancing;</p> <p>c) entertainment of a similar description to making music or for dancing.</p>	
5	Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every 5 years. However, this policy (2020 – 2023) will be reviewed in 3 years.	Section 5 of the Act requires that the licensing authority prepares and publishes a statement of its licensing policy every 5 years. However, this policy (2023 – 2025) will be reviewed in 3 years.
6		<p>Inserted:-</p> <p>Applicants are expected to have taken the wider local concerns and issues into account when establishing appropriate conditions to meet the licensing objectives. Issues such as drink spiking, irresponsible promotions, drink related violence and binge drinking.</p>
8	<p>Deleted:-</p> <p>Where an application for review has been judged to be irrelevant, frivolous or vexatious, the matter will not proceed any further and the complainant will be advised in writing of this fact.</p> <p>When an application to review a premises licence or club premises certificate has been determined in accordance with the procedures detailed above, the licence or certificate will either:</p> <ul style="list-style-type: none"> Continue in operation unaltered; 	<p>Inserted:-</p> <p>Reviews</p> <p>The availability of a review of licences or club certificates provides a key protection for the community where the Licensing Objectives are being undermined. The review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.</p>

	<ul style="list-style-type: none"> • be modified and the terms and conditions changed in accordance with the Licensing Authority's decision, or • be cancelled. <p>The Licensing Authority will determine the date upon which the decision will take effect and the licence holder and applicant for review advised accordingly.</p>	<p>At any stage, following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.</p> <p>The Licensing Authority will accept initial email applications for reviews from Responsible Authorities. This does not however, negate the requirement to serve paper copies on all parties, including the Licensing Authority.</p> <p>The Licensing Sub-Committee must, under section 52(4) of the Licensing Act 2003 having full regard to the representations, take such steps as it considers appropriate for the promotion of the licensing objectives namely;</p> <ul style="list-style-type: none"> (a) to modify the conditions of the licence (b) to exclude a licensable activity from the scope of the premises (c) to remove the Designated Premises Supervisor (d) to suspend the licence for a period not exceeding 3 months (e) to revoke the licence.
8		<p>Inserted:- Summary reviews Summary reviews can be undertaken when the police consider that the premises</p>

		<p>concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.</p> <p>The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing</p>
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		<p>authority is provided for by section 167 of the Licensing Act 2003.</p>
<p>9/10</p>		<p>Inserted:- Petrol Stations s176 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSA's) and from premises which are used primarily as a garage or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:</p> <ul style="list-style-type: none"> • The retailing of petrol; • The retailing of derv (diesel); • The sale of motor vehicles; and • The maintenance of motor vehicles. <p>It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.</p> <p>If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises.</p> <p>If a relevant representation is made, the licensing authority must decide whether or not the</p>

		premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.
9/10		<p>Inserted:-</p> <p>Wholesale of alcohol</p> <p>From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs</p> <p>Mobile, remote, internet and other delivery sales</p>

		<p>The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and dispatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.</p> <p>Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact their licensing authority for its view on whether this</p>
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		form of alcohol sale is already permitted or whether an application to vary the licence will be required
18		<p>Insert:- The Designated Public Place Order (DPPO) was replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. DPPO's continue to be valid for a period of three years following commencement of the PSPO. Once the three-year period expires, they are treated as a PSPO and enforceable as such. At the time of reviewing this policy the following orders are in place:-</p> <p>https://www.tamworth.gov.uk/sites/default/files/community_docs/Tamworth-PSPO-Alcohol-Control.docx</p> <p>https://www.tamworth.gov.uk/sites/default/files/community_docs/Amington-Alcohol-Restricted-Zone.pdf</p> <p>https://www.tamworth.gov.uk/sites/default/files/community_docs/Town-Centre-Alcohol-Restricted-Zone.pdf</p>
20	Tamworth Community Safety Partnership Plan 2017-2020	Tamworth Community Safety Partnership Plan 2020-2023
21		Inserted:- Wigginton Park
21	Deleted:- Furthermore, live music is no longer considered to be regulated entertainment in venues licensed	Inserted:- Live Music

	<p>for the sale of alcohol for consumption on the premises in the following situations:</p> <ul style="list-style-type: none"> • When it is unamplified and takes place between 8am and 11pm; and • When it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm. <p>The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect. Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.</p>	<p>As a result of recent changes made to the Live Music Act 2012 & Deregulation Act 2015 no licence is required for the following activities –</p> <ul style="list-style-type: none"> • a performance of unamplified live music between 08.00 and 23.00 on any day on any premises. • a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500. • a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500. • a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that:- <ul style="list-style-type: none"> (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises. • a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of:- <ul style="list-style-type: none"> (i) a local authority, or (ii) a school, or (iii) a hospital, provided that:- <ul style="list-style-type: none"> (a) the audience does not exceed 500, and
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		(b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
36	Deleted:- Interested Parties “Interested Parties” are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.	Inserted:- Other persons This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.*
39	Deleted:- for 10 years and can be renewed	Inserted:- indefinitely
40	Deleted:- <ul style="list-style-type: none"> • A performance of a film; • an exhibition of a film; • an indoor sporting event; • a boxing or wrestling entertainment; • a performance of live music; • any playing of recorded music; • a performance of dance; • entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance; • (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes 	Inserted:- The descriptions of entertainment activities licensable under the 2003 Act are: <ul style="list-style-type: none"> • a performance of a play; • an exhibition of a film; • an indoor sporting event; • a boxing or wrestling entertainment; • a performance of live music; • any playing of recorded music; • a performance of dance; and • entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

	place in the presence of and for the purposes of entertaining that audience or spectators.	
41	Deleted:- Each licensing authority must every 5 years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.	Inserted:- The licensing authority must prepare and publish a statement of its licensing policy every 5 years. However, this policy (2023 – 2025) will be reviewed in 3 years. This is because the licensing policy now includes a Cumulative Impact Assessment. The legislation requires that the Cumulative Impact Assessment is reviewed every 3 years and therefore the Statement of Licensing Policy will be reviewed at the same time.
41	Deleted:- Supervisor Responsible for supervision of the premises e.g. the day to day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.	
42	Deleted:- A permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations: <ul style="list-style-type: none"> • Duration – they are limited to events lasting for up to 96 hours; • Scale – they cannot involve the presence of more than 499 people at any one time; • Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to 	Inserted:- Temporary Event Notice There are two types of TENs, standard TENs and late TENs. These are subject to different processes; a standard TENs is given no later than ten working days before the event to which it relates and a late TENs is given not before nine and not later than five days before the event. If a Premises is not authorised by a Premises Licence or Club Premises Certificate to carry on licensable activities but wishes to do so then a TENs is required. A TENs is also required if a

	<p>the overall aggregate of 15 days irrespective of the number of occasions on which they have been used;</p> <ul style="list-style-type: none"> • The number of notices given by one individual within a given period of time – a personal licence holder is limited to 50 notices in 1 year, and any other person to 5 notices in a similar period; • (If these conditions are not fulfilled, the temporary event would require a premises licence if it were currently unlicensed for the activity involved). 	<p>Premises currently holds a Licence but wishes to carry on other licensable activities that are not included in the Licence. At least 10 working days' notice is required for a TENS (not including the day the Application is submitted or the day of the event). Staffordshire Police and the Local Authority Environmental Health have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives..</p> <p>Late Temporary Event Notices</p> <p>Late temporary event notices can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Council, must also be sent by the Premises user to the Police and Environmental health. If there is an objection to a late TENS the event cannot go ahead. A late TENS given less than five days before the event to which it relates will be returned void and the activities to which it relates will not be authorised.</p> <p>[Note: All temporary event notices are subject to limitations].</p>
47	Deleted information contained within page 47 - 59	Inserted updated CIA information
61		Inserted Appendix 5 – Responsible Authority List

*All references to Interested parties have been replaced with Other Person.

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Thursday, 13 October 2022

Report of the Assistant Director of Growth and Regeneration**REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT)
2023 - 2026****Exempt Information**

None

Purpose

To advise that the Authority has a duty to review the current Gambling Act 2005 Statement of Principles (Policy Statement).

To bring before the Licensing Committee the outcome of the approved consultation exercise for Tamworth Borough Council's draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 - 2026. The public consultation exercise concluded on 11th September 2022

Recommendations

That the Licensing Committee recommend to Full Council that they consider the draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 - 2026 as suitable for adoption.

Executive Summary

The Gambling Act 2005 requires the Council to prepare and publish a statement of principles (policy statement) that it proposes to apply in exercising its functions under the Act. The draft policy statement at Appendix 1 prepared in accordance with the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time.

The Act provides for three categories of licence:

- Operating licences
- Personal licences; and
- Premises licences.

The Gambling Commission issues Operating licences and Personal licences and Licensing Authorities issue Premises Licences.

The Gambling Act 2005 places a responsibility for the licensing of gambling premises and the issuing of permits with Local Authorities, with associated responsibility of ensuring that the conditions on these licences are upheld. Amongst other matters the 2005 Act deals with the licensing of:

- Casinos

- Betting shops
- Bingo halls
- Amusement arcades and gaming centres
- Gaming machines
- Small Society Lotteries
- Alcohol licensed premises (making gaming machines available for use)
- Private clubs (making gaming machines available for use).

Central to the Gambling Act are the licensing objectives. These are:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime,
- Ensuring that gambling is conducted in a fair and open manner,
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It is important to note that there are no other licensing objectives.

Options Considered

The Government intended to review the Gambling Act 2005 and it was originally expected that new legislation would be issued in 2021 but this has not been forthcoming. The draft Gambling Act 2005 Statement of Principles (Policy Statement) 2023 – 2026 has not varied from the previous policy. Should new legal provisions come into force the policy can be reviewed and amended as required

Section 349 (3) of the Act requires the Licensing Authority to consult the following on its Statement of Principles (Policy Statement) or subsequent revisions:

- The Chief Officer of Police,
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Authorities 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 Authorities functions under the Act.

The list of persons to be consulted when preparing the Statement is deliberately wide. This enables Licensing Authorities to undertake a comprehensive exercise with anyone who may be affected by or otherwise have interest in the Statement.

Section 154 of the 2005 Act indicates that adoption of the Statement of Principles (Policy Statement) cannot be delegated to the Licensing Committee. Therefore, Full Council must adopt the final document.

The public consultation exercise was held between 24th June 2022 – 23rd July 2022. **No responses** were received to the consultation. A further consultation took place between 12th August 2022 – 11th September 2022 due to an amendment of Policy Statement dates as an error had been made on when the Policy was effective from/to. **No responses** were received to this consultation.

Resource Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal/Risk Implications Background

Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Principles (Policy Statement) every 3 years. The next Statement must be published by 31 January 2023.

Section 25 of the Gambling act 2005 requires the Authority to have regard to Gambling Commission Guidance when preparing its Statement of Principles.

Equalities Implications

The subject of this Report is not a policy, strategy, function or service that is new or being revised.

Environment and Sustainability Implications (including climate change)

The services for the regulation of Gambling contribute to the strategic priority The Economy. There are no environment or sustainability considerations as a result of the policy.

Background Information

Section 349 of the Gambling Act 2005 ("the Act") requires all Licensing Authorities to prepare and publish a Statement of Principles in the form of the Gambling Policy ("the Policy") that it proposes to apply in exercising its functions under the Act during the three year period to which the Policy applies.

The Council's Policy has been revised on a three yearly basis since then and it is time to revise the Policy to cover the next three years' to cover February 2023 to January 2026.

Report Author

Sarah Gear, – Senior Licensing Officer, Wendy Smith - Head of Environmental Health

List of Background Papers

1. Guidance to Licensing Authorities 5th edition
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
2. Gambling Commission Guidance to Public Health
<http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

Appendices

1. Draft Revised Gambling Act 2005 Statement of Principles (Policy Statement) 2023-2026

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005



2023 – 2026



Revised with effect from

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Statement of Principles – Gambling Act 2005

1. Introduction – Tamworth Borough Council

1.1 Tamworth Borough Council (the Council) is a Licensing Authority under the Gambling Act 2005 and therefore has responsibilities for the administration and enforcement of the Act within the Borough.

The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts

1.2 Tamworth's resident population of around 76,800 makes it one of the main urban centres in Southern Staffordshire. The urban area density from the 2011 census for Tamworth is 39.6 persons per hectare, which is very similar to Cannock (39.3), and Burntwood (39.5), only slightly higher than Lichfield (37.9) and is less than nearby Polesworth (47). Source ONS Census 2011

1.3 This statement accords with that vision in seeking to promote the licensing objectives set out in the Act which are central to the regulatory regime created by the Act. These 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, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.4 We have produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted.

1.5 This statement must be published at least every three years. The statement can also be reviewed from 'time to time' and any amended parts reconsulted upon

1.6 We intend that this document should provide information and guidance on the general approach that we will take in licensing. A series of advice sheets with more specific guidance is available from our website or will be sent on request; advice tailored to individuals is available by phone or to personal callers.

1.7 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, set out below

2. Gambling Act 2005

- 2.1 This policy reflects and aims to support our strategic purposes and priorities, as set out in the Council Plan.
- 2.2 The Act provides for Gambling to be authorised in a number of different ways.
- 2.3 The Licensing Authority's main functions are to:
- license premises for gambling activities, including the issue of Provisional Statements,
 - regulate and grant permits for gambling and gaming machines in clubs including commercial clubs,
 - regulate gaming and gaming machines in premises licensed to sell alcohol.
 - grant permits to family entertainment centres for the use of certain lower-stake gaming machines,
 - grant permits for prize gaming,
 - receive and endorse notices given for temporary use notices,
 - receive occasional use notices for betting at tracks,
 - register lotteries of small societies,
 - maintain public registers, and
 - provide information to the gambling Commission on the issue of licences.
- 2.4 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The "National Lottery" is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

3. The Gambling Commission

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 6666.

4. Authorised Activities

4.1 'Gambling' is defined in the Act as gaming, betting, or taking part in a lottery.

- 'Gaming' means playing a game of chance for a prize.
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
- A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

5. General Statement of Principles

- 5.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.
- 5.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 5.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 5.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 5.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 5.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 5.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 5.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of

any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

6. Preventing Gambling from being a Source of Crime and Disorder

- 6.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 6.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 6.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 6.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 6.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

7. Ensuring Gambling is conducted in a Fair and Open Way

- 7.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 7.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

8. Protecting children and vulnerable people from being harmed or exploited by gambling

- 8.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 8.2 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 8.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 8.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.
- 8.5 In seeking to protect vulnerable people the Licensing Authority will include 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, perhaps due to a mental impairment, alcohol or drugs.
- 8.6 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 8.7 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.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 8.8 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Staffordshire Safeguarding Children Partnership for this purpose

9. Public Health and Gambling

- 9.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 9.2 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 result of their gambling.
- 9.3 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.
- 9.4 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.
- 9.5 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 harms in its area.
- 9.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that 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 locally tailored local area profiles.
 - 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 licenses for a wide range of gambling activities.
 - Conduct a health-impact assessment of gambling in the local area or assess any existing information.

10. Local Risk Assessments

- 10.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- 10.2 The Licensing Authority will expect the local risk assessment to consider, for example:
- whether the premise is in an area of deprivation;
 - whether the premise is in an area subject to high levels of crime and/or disorder;

- 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
 - how vulnerable persons as defined within this Policy are protected.
- 10.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy.
- 10.4 Other matters that the risk assessment may include are, for example:
- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
 - Where installed, details of CCTV coverage and how the system will be monitored.
 - Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
 - The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
 - Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
 - Provision of signage and documents relating to games rules, gambling care providers.
 - The mix of gambling provided.
 - Consideration of primary gambling activity and location of gaming machines.
- 10.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary.
- 10.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 10.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 10.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that

locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.

- 10.9 The Licensing Authority expects local risk assessments to be kept under review and updated, as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

11. Premises Licences

- 11.1 A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

- 11.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

- 11.3 This will allow large multiple unit premises such as shopping malls or service stations to obtain separate premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will 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. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

- 11.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that separation of the premises is not compromised and people are not allowed to drift accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority will also expect customers to be able to participate in the activity named on the premises licence.

- 11.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and / or large casinos may be located. The Borough of Tamworth has not been identified as a suitable location for a casino, consequently the Authority is prevented from granting a licence for casino premises at present.

- 11.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were

considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.

- 11.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 11.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 11.9 When considering applications for premises licences the Licensing Authority will not take into account the expected 'demand' for facilities; the likelihood of planning permission or building regulation approval being granted or moral objections to gambling. Equally, the grant of a premises licence will not prejudice or prevent any action which may be appropriate under the law relating to planning or building regulations.
- 11.10 The Licensing Authority will only issue a premises licence once it is satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of, or alterations to a premises are not yet complete, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.
- 11.11 The Licensing Authority will apply a two-stage consideration process if there is outstanding construction or alteration works at the premises:
- Should the premises be permitted to be used for gambling?
 - Can appropriate conditions be imposed to cater for the situation that the premises is not yet in a state in which they should be before gambling takes place?
- 11.12 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 11.13 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 11.14 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council offices during normal office hours which are generally Monday to Friday 9am – until 4.30pm.

12. Responsible Authorities

- 12.1 Responsible authorities are identified in the legislation and have to be notified about licence applications so that they can identify any risk. The responsible authorities that the Licensing Authority currently recognises are as follows:
- The Gambling Commission.
 - Staffordshire Police

- Fire & Rescue Service.
- Tamworth Borough Councils Planning Department.
- Tamworth Environmental Health Pollution
- Children Protection
- HM Revenue and Customs.
- Home Office Immigration
- Any other bodies identified in Regulation by the Secretary of State.
- For vessels – the Environment Agency, British Waterways, Secretary of State.

See Appendix C for full contact details

12.2 Contact addresses and telephone numbers for each of the responsible authorities identified are available on the Council's website and will be sent with application packs and on request.

12.3 Any concerns expressed by a responsible authority cannot be considered unless they are relevant to the application itself and to the licensing objectives. However, each representation will be considered on its merits.

13. Interested Parties

13.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities (including existing gambling premises), or
- represents persons in either of the above two groups.

13.2 The Licensing Authority will generally require written evidence that a person/body, 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 representations is sufficient. Whilst this may not apply to elected Ward Members, Member of Parliament or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal minority.

13.3 In determining in whether a person lives sufficiently close to particular premises as to be affected, the Licensing Authority will take into account among other things:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the person making the representation;
- the nature of the complaint;
- the potential impact of the premises.

13.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:

- the size of the premises;
- the catchment area of the premises; and

- whether the person making the representation has business interests in the catchment area that might be affected.
- 13.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 13.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant;
 - whether it raises an issue relevant to the licensing objectives; or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

14. Licence Conditions

- 14.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use 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. The Licensing Authority will not have recourse to a pool of standard conditions.
- 14.2 The Licensing Authority will ensure that category C machines or above, that are *on offer in premises to which children are admitted, are located in an area of the premises which is separated by a physical barrier. This should be to prevent access other than through a designated entrance: the designated area must be supervised and observed by staff or the licence holder.*
- 14.3 Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours; segregation of gambling from non-gambling areas frequented by children; Security Industry Authority licensed door supervisors; appropriate signage for adult only areas; age limits; or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicants to offer their own suggestions as to the way in which the licensing objectives can be promoted effectively.
- 14.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
 - relating to gaming machine categories or method of operation;

- which specify that membership of a club or other body is required; or
- in relation to stakes, fees, winnings or prizes.

14.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

15. Gaming Machines

15.1 Gaming machines include all types of gambling activity, which can take place on a machine, including betting on 'virtual' events.

15.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

15.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

15.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

15.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

16 Gambling in Alcohol Licensed Premises

16.1 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.

16.2 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.

16.3 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

Automatic entitlement to two gaming machines

- 16.4 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use and must pay the prescribed fee.
- 16.5 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 16.6 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 16.7 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so 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 s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 16.8 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 16.9 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 16.10 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

- 16.11 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 16.12 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 16.13 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 16.14 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 16.15 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 16.16 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 16.17 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.
- 16.18 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 16.19 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

- 16.20 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 16.21 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 16.22 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 16.23 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 16.24 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
 - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
 - the premises are mainly used for gaming
 - an offence under the Act has been committed on the premises.
- 16.25 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

17 Gambling in Clubs

Defining Clubs

- 17.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:
- members' clubs (including miners' welfare institutes)
 - commercial clubs.
- 17.2 This is an important distinction in respect of the gaming that may take place.

- 17.3 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.
- 17.4 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.
- 17.5 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 17.6 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Exempt Gaming

- 17.7 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 17.8 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.9 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.
- 17.10 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However, in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.
- 17.11 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Club Gaming Permits

- 17.12 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in

regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.

- 17.13 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 17.14 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Club Machine Permits

- 17.15 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 17.16 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.
- 17.17 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

Applications for Club Gaming Permits and Club Machine Permits

- 17.18 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 17.19 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.
- 17.20 The Licensing Authority can 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
 - e) an objection has been lodged by the Commission or the police.
- 17.21 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.

- 17.22 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.
- 17.23 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. 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 the Licensing Authority can refuse a permit are reduced.
- 17.24 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.
- 17.25 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

Determining Applications for Club Gaming Permits

- 17.26 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.
- 17.27 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.
- 17.28 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.
- 17.29 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

Maintenance of Permits

- 17.30 Club Gaming Permits and Club Machine Permits will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is renewed. 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.
- 17.31 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture of permits

- 17.32 The Licensing Authority may cancel the permit if:
- the premises are used wholly by children and/or young persons

- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

17.33 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

17.34 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make.

17.35 The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal of permits

17.36 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.

17.37 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

17.38 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

18 Unlicensed Family Entertainment Centre Permits

Introduction

18.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

18.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

18.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

- 18.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 18.5 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 18.6 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.
- 18.7 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 18.8 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 18.9 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees at the premises are suitably vetted
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 18.10 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 18.11 The permit will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit
- 18.12 The permit may lapse for a number of reasons, namely:
- if the holder ceases to occupy the premises
 - if the Licensing Authority notifies the holder that the premises are not being used as an uFEC

- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if the company holding the permit ceases to exist or goes into liquidation.

Renewal of a Permit

- 18.13 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:
- an authorised local authority officer has been refused access to the premises without reasonable excuse
 - renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.
- 18.14 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

19 Prize Gaming Permits

- 19.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 19.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

Applications for Prize Gaming Permits

- 19.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 19.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.
- 19.5 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

Consideration of Applications

- 19.6 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.7 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions.
- 19.8 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 19.9 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 19.10 A permit cannot be issued in respect of a vessel or a vehicle.
- 19.11 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
 - the gaming offered is within the law.
- 19.12 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it and given them an opportunity to make representations orally or in writing or both.
- 19.13 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 19.14 The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
 - if a company holding the permit goes into liquidation
 - if the holder (for example a partnership) otherwise ceases to exist.

Renewal of a Prize Gaming Permit

- 19.15 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 19.16 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

20. Temporary Use Notices

- 20.1 Temporary use notices allow 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. The Licensing Authority would 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. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 20.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chance to all participants. Example of equal chance gaming includes games such as: Backgammon, Mahjong, Rummy, Kalooki, Dominoes, Cribbage, Bingo and Poker.

21. Occasional Use Notices

- 21.1 The Licensing Authority have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 21.2 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

22. Lotteries

Introduction

- 22.1 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.
- 22.2 An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
- 22.3 An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a series of processes

- the first of those processes relies wholly on chance.
- 22.4 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
 - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.
- 22.5 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.
- 22.6 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.
- 22.7 Section 19 of the Act defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 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.
- 22.8 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.

Registration Applications

- 22.9 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society’s principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.
- 22.10 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 necessary documents required by the Licensing Authority to assess the application.
- 22.11 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.

22.12 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.

22.13 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.

22.14 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.

22.15 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 practise issued by the Gambling Commission

Promotion of small society lotteries once registered

22.16 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.

22.17 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.

22.18 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of 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.
- 22.19 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 one, the external lottery manager (ELM)
 - the date of the draw, or information which enables the date to be determined.
- 22.20 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
- 22.21 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.
- 22.22 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:
- 22.23 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.
- 22.24 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

- 22.25 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.
- 22.26 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

22.27 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.

22.28 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.

22.29 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’ (scratch cards) 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.

22.30 The 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.

22.31 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

22.32 The Licensing Authority will 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

22.33 The 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.

22.34 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. 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.

22.35 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.

23. Exchange of Information

23.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

23.2 Subject to the provisions of relevant data protection legislation, we will share any information we receive through the application process with the Gambling Commission and any relevant responsible authority. In doing so we will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that we hold about them by contacting our Project and Information Co-Ordinator.

23.3 The Licensing Authority is committed to being open about what it does and how it comes to a decision, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment.

23.4 Individual requests should be made in writing via the Council's website freedomofinformation@tamworth.gov.uk

23.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

24. Enforcement Protocols

24.1 The main enforcement and compliance role for the 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 the Operator and Personal Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about

manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

- 24.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 24.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 24.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 24.5 The Licensing Authority will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out its regulatory functions.
- 24.6 The Licensing Authority will endeavour to be accountable, consistent, transparent and targeted, as well as proportionate in its actions and avoiding duplication with other regulatory regimes so far as possible.
- 24.7 In order to ensure compliance with the law, the Licensing Authority will carry out regular 'routine' day time programmed inspections and will also carry out 'non-routine' evening programmed inspections. Where a one-off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 24.8 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

25. Reviews

- 25.1 A request for a review of a premises licence can be made by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission,
 - Consistent with the licensing objectives,
 - In accordance with the statement of principles.
- 25.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether it would wish to alter/revoke or suspend the licence.

25.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which it thinks is appropriate, including if 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.

25.4 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 the statutory consultation period. The purpose of the review will be to determine whether it should take any action in relation to the licence. The options available are to:

- add, remove or amend a licence condition;
- remove or amend a default condition, such as opening hours;
- suspend the premises licence for a period not exceeding 3; or months
- revoke the licence.

26. The Licensing Process

26.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub -Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation:-

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
3 year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting when		X		

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
appropriate				
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				Refer to * below
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary				X

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
use notice				
Decision to give a counter notice to a temporary use notice			X	

Determination as to whether a person is an Interested Party				X
Determination as to whether representations are relevant				X
Determination as to whether a representation is frivolous, vexatious or repetitive				X

X Indicates at the lowest level to which decisions can be delegated.

* In respect of applications for amusement with prizes machines in alcohol licensed premises, the following procedure will be adopted:

- i) Officers will determine under delegated authority, applications for amusement with prize machines where the application is for not more than 5 machines.
- ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Assistant Director, Growth and Regeneration, Head of Environmental Health/Environmental Health Staff.

26.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

26.3 The Authority will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds. Leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected

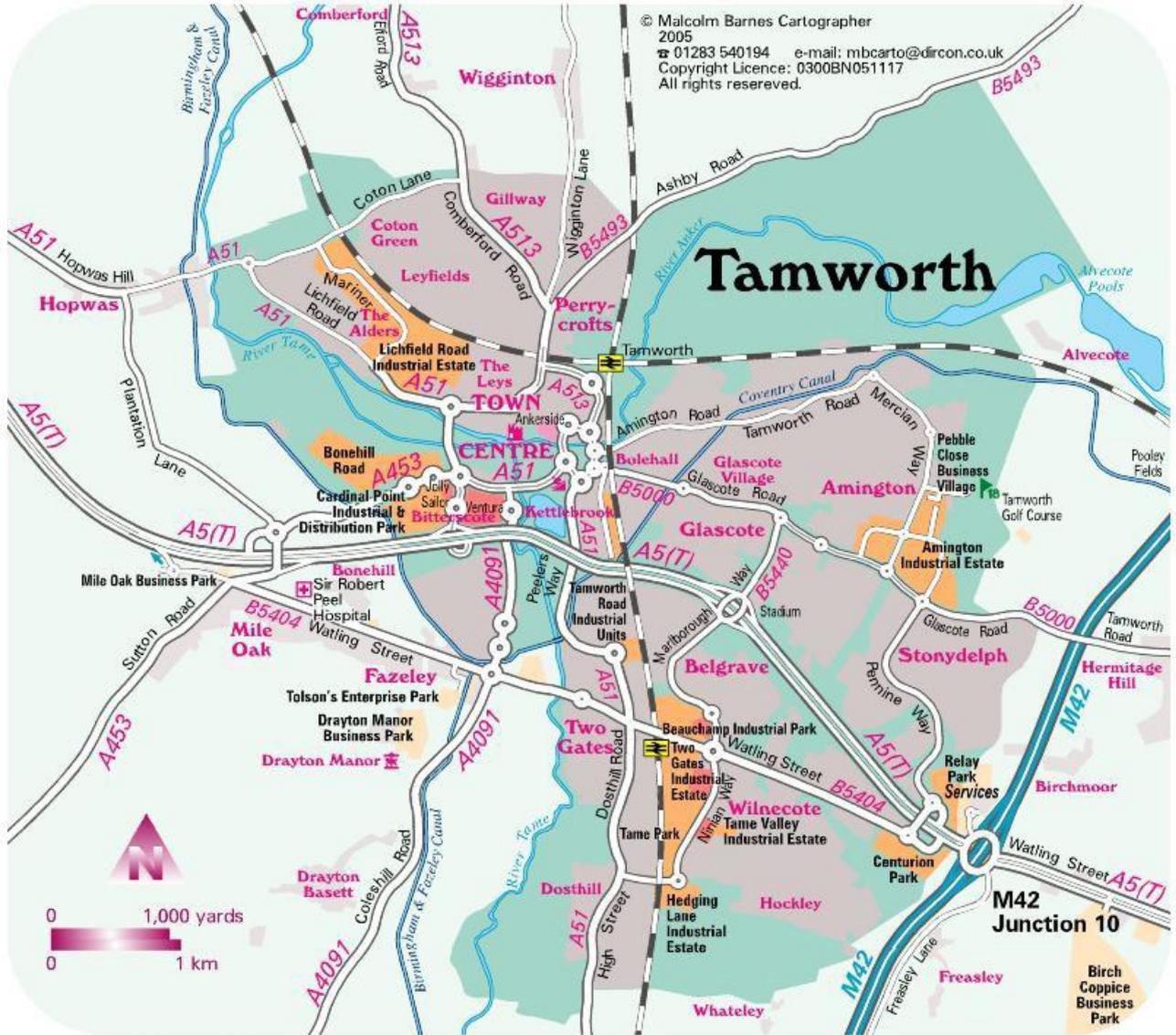
26.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

26.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Tamworth Borough Council
Marmion House
Lichfield Street
TAMWORTH
B79 7BZ

Map of Tamworth Borough Boundary

Map of Tamworth Borough



- | | | | | |
|--------------------------|------------------------|--------------------------------|--------------------------|------------------------------|
| Tamworth Borough Council | Urban Area in Tamworth | Industrial Estates in Tamworth | Retail Parks in Tamworth | Shopping Centres in Tamworth |
| Castle | Hospital | Railway Station | Snow Dome | Theme Park & Zoo |
| Golf Course | | | | |

Appendix B

List of Consultees

Chief Officer of Staffordshire Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

Staffordshire Safeguarding Children Partnership

District Councillors

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have 'problem gambling':

GamCare

Gamblers Anonymous

Appendix C

Gambling Act 2005 - Names & Addresses of Responsible Authorities

The addresses and other contact details of the responsible authorities for applications made under the Gambling Act 2005 are given below. We recommend that you consult these organisations before you send your application.

1) Police

Police Licensing Unit
Ground Floor
Block 9
Staffordshire Police Headquarters
Weston Road
Stafford
ST18 0YY

Tel - 01785 235699
Email - licensinghq@staffordshire.pnn.police.uk

2) Fire and Rescue Authority

Eastern Service Delivery Group
Staffordshire Fire & Rescue Service
Lichfield Fire Station
Birmingham Road
Lichfield
Staffordshire
WS13 6HU

Tel - 01785 898 958
Email - esdg.protect@staffordshirefire.gov.uk

3) Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel - 0121 230 6666
Fax - 0121 230 6720
Email - info@gamblingcommission.gov.uk

4) HM Revenue & Customs

HM Revenue and Customs
Excise Processing Teams
BX9 1GL
United Kingdom

Tel - 0300 322 7072 Option 7
Email - nrubetting&gaming@hmrc.gov.uk

5) Local Planning Authority – comments as previous we are one council with many departments

Planning Team
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Tel - 01827 709 312
Email – cp&padmin@tamworth.gov.uk

6) Environmental Pollution

Pollution Team
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Tel - 01827 709 445
Email - environmentalprotection@tamworth.gov.uk

7) Children Protection

Deputy Corporate Director
(Partnerships & Service Development)
Children & Lifelong Learning
Walton Building
Martin Street
Stafford
ST16 2LH

Tel - 01785 223121
Email - sscb.admin@staffordshire.gov.uk

8) Licensing Authority - Address to which completed applications should be sent:

Licensing Team
Public Protection
Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Tel - 01827 709 445
Email - publicprotection@tamworth.gov.uk

9) Home Office (Immigration Enforcement)

Home Office (Immigration Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Tel - 0300 123 7000
Email - Alcohol@homeoffice.gsi.gov.uk

Thursday, 13 October 2022

Report of the Assistant Director of Growth and Regeneration

Hackney carriage and Private Hire Licensing Policy 2023 - 2027

Exempt Information

None

Purpose

This report seeks approval from committee members for consultation to begin on the draft Hackney Carriage and Private Hire Licensing Policy at Appendix 3.

The draft policy outlines the decision-making framework that Tamworth Borough Council will apply when exercising its responsibilities for licensing hackney carriage and private hire vehicles, drivers and operators

Recommendations

It is recommended that Members approve for consultation the draft Hackney Carriage and Private Hire Licensing Policy 2023 - 2027

That following consultation the draft policy be brought back for members to consider, together with any comments received prior to adoption at Full Council

Executive Summary

Tamworth Borough Council currently has a Hackney Carriage and Private Hire Licensing guidance document which is attached at Appendix 1.

The draft Taxi and Private Hire Licensing Policy 2023 – 2027 that has been created by updating the existing guidance document by Tamworth Borough Council officers in combination with relevant government documents as detailed below. A summary matrix of the changes can be found at Appendix 2 and the draft Taxi and Private Hire Licensing Policy 2023 – 2027 can be found in Appendix 3.

If approved for consultation, all licensed Drivers, Proprietors of vehicles and operators will be consulted on the draft policy, together with any organisation that may be effected or otherwise have an interest in the Policy. The policy will also be published on the Tamworth Borough Council website.

The public consultation exercise is intended to be held between the 24th October 2022 and 15th January 2023.

Following the public consultation exercise the draft policy together with any suggested amendments will appear before the Licensing Committee for consideration and comment before being presented to Full Council for adoption. Full Council will also have an additional recommendation in that all Licensing functions be delegated to Licensing Committee.

Options Considered

The Committee could consider not consulting on the proposed draft policy; however this would not accord with good governance or best practice

Resource Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal/Risk Implications Background

The revised policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurance that decisions in relation to the grant, renewal, suspension or revocation of licences are able to withstand challenge and scrutiny by outside bodies including the Courts.

Equalities Implications

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Environment and Sustainability Implications (including climate change)

The Council is committed to tackling climate change and the proposed revision of this Policy will assist in ensuring that it contributes appropriately to this ambition.

Background Information

Tamworth Borough Council ("The Licensing Authority") is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough of Tamworth.

Tamworth Borough Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the Borough and the need to provide public reassurance and a positive customer experience by transporting customers safely.

Presently, the Licensing Authority has a guidance document attached at Appendix 1.

The draft policy has been developed by Tamworth Borough Council officers and takes into account the following:-

- The Council's Licensing Objectives
- Current legislation including the Deregulation Act 2015
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Order – 2013
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best practice Guidance" March 2010
- The Department for Transport "Taxi and Private Hire Vehicle Licensing Draft Best Practice Guidance
- Access to taxi's and private hire vehicles for disabled users – June 2022
- Institute of Licensing guidance on determining the suitability of applicants and licensees in the Hackney and Private hire trades April 2018
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards – July 2020

The policy sets out the Council's decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet. In developing the draft policy best practice has been identified and incorporated into the policy.

This includes a number of key improvements, including:

- Updated Licensed Driver, Vehicle and Operator Conditions
- Updated penalty point scheme designed to improve licensed driver standards

- Proposed introduction of requirement for licensed drivers, vehicle proprietors and operators to undertake disability awareness training, and all licensed drivers, vehicle proprietors to undertake refresher training on CSE & disability awareness training every 3 years.
- Proposed introduction of requirement for new drivers to undertake driving standards assessment.
- Proposed change to the Knowledge Test, to include questions on conditions
- Proposed extension of the upper age limit of Private Hire Vehicles to 10 Years
- Proposed no age limit for electric vehicles.
- Proposed introduction of DBS checks being carried out at a minimum of every six months
- Proposed introduction of a condition that drivers cooperate with requests from authorised compliance officers in other areas.

Public Safety has remained at the heart of all the changes and the proposed changes will put the licensing framework in line with best practice and make it clearer and transparent.

Report Author

Sarah Gear

Sarah Gear – Senior Licensing Officer

List of Background Papers

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>

<https://www.instituteoflicensing.org/media/judpocw/guidance-on-suitability-online-pdf-2.pdf>

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063053/taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf

Appendices

Appendix 1 – Hackney Carriage and Private Hire Licensing Guidance 2017 – 2022

Appendix 2 – Matrix of Changes

Appendix 3 – Taxi and Private Hire Licensing Policy 2023 - 2027

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Hackney Carriage and Private Hire Licensing Guidance 2017-2022 Amendment 1

**Approved Full
Council 16 May 2017**

**Amendment
Approved ??????**

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Points System

Figures in **bold** in right hand column on future pages shows points awarded for breach of conditions.

DRAFT

PART 1 – INTRODUCTION

Scope

1.0 The Hackney Carriage and Private Hire Guidance is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators.

Purpose

1.1 The fundamental purpose of licencing is to protect the safety and welfare of the public who live, work and visit Tamworth. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Tamworth local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Guidance.

1.2 Tamworth Borough Council ('the Council') is particularly concerned to ensure:

- the safeguarding of children, young persons and adults with care and support needs who are at risk of abuse and neglect;
- that any person who applies to be a hackney carriage or private hire vehicle driver or operator is a fit and proper person and does not pose a threat (in any form) to the public;
- that the public are safeguarded from dishonest persons; and
- that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed.

1.3 This document provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences;
- persons who hold existing licences, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees and the internal panel (or other relevant decision making bodies);
- licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- magistrates and judges hearing appeals against Council decisions.

1.4 The Guidance is also designed to put the Council's licensing requirements into context.

Consultation and Communication

- 1.5 In determining this Guidance, the views of relevant stakeholders have been taken into consideration.
- 1.6 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Guidance, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

Review

- 1.7 This Guidance will be reviewed periodically, however, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any licensed driver, proprietor or operator may request a review of the policy at any time.

Legislative framework

- 1.8 The operation of the Council's licensing service is undertaken in accordance with relevant legislation and applicable licence conditions. The primary legislation relating to hackney carriage and private hire licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In addition, the service is provided in accordance with all relevant Council policies, but in particular the following:
- Equal Opportunities Policy
 - Disability and Discrimination
 - Race Equality Scheme
 - Data Protection Policy
 - Enforcement Policy
- 1.9 This Guidance and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure all relevant health and safety at work provisions are satisfied.

Conditions

- 1.10 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the guidance, i.e. to protect the safety and welfare of the public. Any licensed driver, vehicle proprietor operator may request a review of any condition or any element of this Guidance at any time. Requests will be dealt with on their individual merits. Those initiatives that lead to the improvement of any element of the service in particular enhancing the safety of the public are actively sought.

Safeguarding Children and Adults at Risk

- 1.11 All local authorities, including district/borough councils in England, have a responsibility to safeguard and promote the welfare of children and adults with care and support

needs who are at risk of abuse and neglect. Safeguarding children and adults who are at risk is everyone's responsibility. Abuse is not acceptable and must not be tolerated. Often children and adults at risk do not realise they are a victim of abuse, or are unable to protect themselves from harm. This is why it is important that action is taken and people know what to do when they have safeguarding concerns. It is paramount that all individuals working either directly or indirectly with children and adults at risk have an understanding of safeguarding commensurate to their role, and know how to recognise and report safeguarding concerns, in relation to children and/or adults at risk. Tamworth Borough Council provides safeguarding awareness training for all taxi drivers, the training includes information on recognising and responding to concerns in relation to child exploitation and trafficking (for further information please see **Appendix A**).

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PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

Introduction

- 2.0 The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- 2.1 This part focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee, the Sub-Committee and officers of the Council.

Licensing principles

- 2.2 The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the over-riding duty that the Council has to protect the safety and welfare of the public.
- 2.3 All licence applications will be considered and determined on their own individual merits.

Licensing process and delegation of functions

- 2.4 The Council has delegated its licensing function to the Licensing Committee, who have further delegate officers of the Council to determine all applications and take action in accordance with this Policy.
- 2.5 Whilst officers and the relevant committees will, in the majority of cases, follow the Policy. Where the policy is silent, the reasons for departing from the guidance will be made clear.

Committees

- 2.6 Licensing Committee

This Committee is made up of 13 members of the Council. It deals with conditions of licence, the setting of fees and charges and hackney carriage fares.

Decisions

- 2.8 The Council has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings.
- 2.9 Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning will be made in accordance with the Council's scheme of delegation

and other relevant procedures.

- 2.10 Where applications are to be determined, the officer, and/or Licensing committee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding and officers from Staffordshire Police together with the recommendation made by the licensing officer presenting the report. Applicants will be given the opportunity to submit written and/or verbal representations as appropriate.
- 2.11 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

Appeals

- 2.12 Parties aggrieved by a decision of the Council have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

Working in partnership

- 2.13 The Council aims to work in partnership when dealing with hackney carriage and private hire licensing issues. Such partnerships will include (but are not restricted to) relevant hackney carriage and private hire trade associations, neighbouring authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams and consumer groups.

PART 3 – LICENSABLE ACTIVITIES

Introduction

- 3.1 This part of the Guidance focusses on the licensable activities and the necessary steps required to obtain and to hold such a licence. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.
- 3.2 The following are applicable to all licence types:
- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence, the licence is likely to be suspended or revoked. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required by the application for a licence;
 - All licence fees payable at the time of application are non-refundable;
 - In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the licence will be null and void with immediate effect;
 - The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further and the process must recommence from the beginning;
 - Where a licence has been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
 - When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application.

Appointments

- 3.3 The Council (Customer Services) runs an appointment system. Applicants will not be seen without an appointment. To assist drivers and operators to make appointments in a timely manner, the Council will notify all operators, drivers and the proprietors of vehicles that their licence is due to expire and are given sufficient notice for their applications before the expiry of a licence.

Criminal record disclosure

- 3.4 The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found on the GOV.UK website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>.

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| <p>3.5 Drivers who undertake contract work for Staffordshire County Council e.g. Education are advised to contact them in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. The Staffordshire County Council will share information with the Licensing Team about individuals and businesses that apply and/or tender to deliver passenger transport contracts.</p> <p>3.6 All drivers are encouraged to register for the DBS Update Service. Further information can be found at https://www.gov.uk/dbs-update-service. Any drivers who have registered for this service need to supply the last Certificate number during their application process.</p> | |
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3a. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

Summary

- 3a.1 Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- 3a.2 Any person who drives a private hire vehicle licence must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3a.3 The Council issues a dual Hackney Carriage and Private Hire licence entitling the driver to drive both vehicles.

Fit and proper person

- 3a.4 Licensed drivers provide a public service. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a fit and proper person.
- 3a.5 In considering the fit and proper person test, all applicants on initial application and renewal must complete an enhanced Disclosure and Barring Service (DBS) check and undergo a medical examination. The Council may also make additional enquiries with Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
- 3a.6 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may request the licence holder to consent to a further enhanced DBS check the cost of which lies with the licence holder. Where a licence holder refuses to consent to a further check the Council will take this into consideration in determining their continuing fitness to hold a licence.
- 3a.7 When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct to Council Officers and also behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.
- 3a.8 In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (as per Appendix M) and behaviour when in contact and dealing with other road users,

pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

- 3a.9 It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the drivers' own personal time.

Criminal record disclosure

- 3a.10 As referred to above, hackney carriage and private hire vehicle drivers are required to undertake an enhanced criminal record disclosure (DBS check) and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act (Exceptions) Order 2003.

- 3a.11 The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 inapplicable and therefore convictions are deemed never to be spent. As a result, all convictions, including cautions, will be taken into account when considering a person's suitability to hold a driver's licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements and disqualification periods relating to 'major' traffic offences.

- 3a.12 Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence.

- 3a.13 A criminal record does not automatically bar an applicant from holding a drivers licence; however, it will be a significant factor when determining whether a licence ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix H**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.

- 3a.14 Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Conduct from the Consulate of the applicant's country of origin. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Period of licence

- 3a.15 Except in exceptionally circumstances Driver licences will be issued for a period of

three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licencing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.

Application process

3a.16 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (which includes the cost of the DBS check, unless applicants provide proof of online subscription to the DBS update service, and the initial knowledge test) is payable at the time the application is submitted.

3a.17 All new applicants must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. The 1 year period is calculated from the date of issue of the full driving licence.

3a.18 In addition, applicants must:

- Submit a completed application form
- Pay the appropriate licence fee
- Provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity
- Have a satisfactory enhanced DBS report
- Where applicable have a satisfactory report in respect of the enquiries made through Staffordshire (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from
- Pass the Council's knowledge test
- Provide a completed medical examination form (Group 2)

Arranging DBS

3a.19 Appointments are made by the applicant booking an appointment with the Council's Customer Services department with the applicant to complete a DBS application form.

Applicants can subscribe to the DBS Update Service, but proof of subscription reference number and the last DBS certificate number must be provided.

Knowledge test

- 3a.20 New applicants for a licence to drive a hackney carriage or private hire vehicle will be required to take and pass the Council's knowledge test. This test is aimed at assessing the driver's knowledge of streets, locations, attractions, entertainment venues and general geography of the Council's administrative area in order to satisfy the Council that they will be able to convey passengers who may be unfamiliar with the locality. This test will be conducted in English. Details of what is required in the knowledge test are provided within the application pack.
- 3a.21 Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
- 3a.22 The charge for the initial knowledge test is included in the licence fee. Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.
- 3a.23 An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. Where an applicant fails the knowledge test three times, the application will be refused. The applicant will not be permitted to re-apply for a drivers licence until the expiry of a 12 month period from the date of the last failed knowledge test.
- 3a.24 The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of the Council.
- 3a.25 Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Medical requirements

- 3a.26 The Council is permitted to satisfy itself that an applicant for a licence is physically fit and remains so during the currency of any licence. Consequently, all applicants for a hackney carriage or private hire vehicle driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council requires to ensure their fitness to drive. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive' (May 2014). The standard required is the 'Group 2 Entitlement'. No grandfather rights are given by the Council in relation to medical matters.
- 3a.27 Applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued. Every 5 years upto the age of 45, or sooner if stipulated by the examining doctor.
- 3a.28 Applicants aged 45 to 65 will be required to undertake a medical examination every 3 years, or sooner if stipulated by the examining doctor. Applicants must provide satisfactory medical certificate.

3a.29 Applicants over the age of 65 must undertake a medical examination and provide a satisfactory medical certificate annually, or sooner if stipulated by the examining doctor.

Age up to 45	Every 5 Years
Age 45 to 65	Every 3 Years
Age over 65	Every Year

3a.30 In particular, applicants must consider the medical conditions listed in **Appendix I** as the Council may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions. Where relevant, the applicant must comply with the additional requirements detailed in **Appendix I**.

3a.31 If once licensed, the driver's medical circumstances change during the currency of the licence, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver.

3a.32 Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested.

3a.33 All medical examinations must be carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council. The Council reserves the right to refer any medical matters to its own appointed Medical Officer whose decision on the fitness (or otherwise) of a driver to continue as a licensed driver will be final.

3a.34 The Council will not grant or renew, as the case may be, any driver's licence unless the foregoing provisions are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.

3a.35 With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

3a.36 Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must submit to a rigorous medical examination carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council and provide sufficient proof that they have a history of a specific health problem(s) that means they qualify for such a medical exemption. However, the Council reserves the right to refuse to grant a licence if deemed appropriate to do so.

DVLA and other relevant driving licences

3a.37 A person applying for a drivers licence must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. This includes European Union (EU), European Economic Area (EEA)

and Northern Irish licences.

3a.38 Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.

3a.39 Applicants are required to produce the original of their driving licence. Copies will not be accepted.

3a.40 All applicants holding driving licences issued by agencies other than the DVLA must produce a certificate to show a driving record from the country of issue.

3a.41 The Council will not provide photocopies of any driver's driving licence from Council records.

3a.42 The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence.

English speaking

3a.43 The applicant is expected to complete the knowledge test without any translation being offered. And must be able to show they are capable of completing a receipt.

Renewal applications

3a.44 On renewal of an existing licence, applicants must:

- Submit a completed application form
- Pay the appropriate licence fee
- Currently on all applications the applicant's must provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity
- Complete a DBS disclosure – or provide proof of registration to the DBS Update Service
- Where required, pass a Group 2 medical examination.
- The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence

3a.45 Providing the above are satisfied, the Council will renew the licence subject to the receipt of a satisfactory enhanced DBS report and satisfactory reports through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

3a.46 To allow continuous driving, a licence application must be received by the Council by the 1st day of the month of the expiry month to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

3a.47 Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new driver's licence application which will be processed in accordance with the Council's new application procedures.

Licence conditions

3a.48 The applicable conditions with which a driver holding a hackney carriage, private hire or drivers licence must comply are set out at **Appendix B**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3a.49 Production of documents

The driver must, on request, produce for inspection their driver's licence forthwith or within 5 days to the Council's offices.

3a.50 Driver's badges and licences

There are two badges issued. One must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible.

The second badge must be displayed in a prominent position within the vehicle to be seen by members of the public.

3a.51 All drivers of vehicles licensed for hackney purposes of which they are not the operator, must before commencing driving that vehicle, deposit a copy of their driver's licence with the operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

3a.52 On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badge and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.

3a.53 Journeys

Drivers must not unnecessarily prolong a journey, in distance or in time.

3a.54 Vehicles permitted to be driven for private hire and hackney carriage purposes

Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes.

3a.55 Driving licensed vehicles

Once a vehicle is licensed it is classed as licensed at all times. Only drivers who are licensed by Tamworth Council are permitted to drive vehicles that are licensed by this authority. The only exceptions to this are when the vehicle is undergoing a fitness test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.

3a.56 Touting

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A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose.

3a.57 Plying for hire

Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix G** and is based on relevant legislation and case law.

3a.58 Transporting children

As a minimum, drivers must comply with the requirements set out in the table below. For clarity children should not travel in a push chair

Category	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over		Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

3a.59 Smoking in vehicles

Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles)

<p>Regulations 2007. This includes e-cigarettes and vaping and any similar paraphernalia.</p>	
<p>3a.60 Refusing to convey passengers</p> <p>A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger with or without a reasonable excuse.</p>	<p>3 with 6 With out</p>
<p>3a.61 Overcharging</p> <p>Drivers of hackney carriages must not charge more than is permitted under the current table of fares.</p>	<p>9</p>
<p>3a.62 Persons riding without consent</p> <p>Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.</p>	<p>2</p>
<p>3a.63 Unauthorised drivers</p> <p>Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.</p>	<p>6</p>
<p>3a.64 Unattended vehicles</p> <p>Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, or in contravention to parking regulations.</p>	<p>3 on rank 2 other</p>
<p>3a.65 Obstruction</p> <p>Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.</p>	<p>3</p>

3b. HACKNEY CARRIAGES

Summary

- 3b.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3b.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the administrative area of the Council with which it is licensed and may also undertake pre-booked journeys anywhere in the country.
- 3b.3 The Council does not limit the number of hackney carriage licences that it will issue.
- 3b.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.
- 3b.5 All hackney carriages must be capable of providing for at least one wheelchair. Transitional arrangements set out at paragraph 3b.7 apply.

Relevant licensable area

- 3b.6 The Council will not operate separate zones for licensing of hackney carriages and the relevant licensable area will be the whole administrative area of the Council.

Intended use of vehicles

- 3b.7 A person applying for a licence for a hackney carriage vehicle should do so with the intention of using the vehicle in the administrative area of Tamworth Borough Council. Where the intention is to use a hackney carriage licensed vehicle in another council's area for private hire, then the applicant should apply to that council for an appropriate licence. 3b.9 In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a person applying for a hackney carriage licence will be required to indicate whether the vehicle will be used primarily within the administrative area of Tamworth Borough Council or outside the area. Details will be required as to the proportion of business that will be carried out both within and out of Tamworth Borough Council's administrative area. In addition, details of the location of business carried on outside the Council's area will be required. Applications received where the primary use of the vehicle is or is likely to be outside the Council's area will be refused.
- 3b.8 Full details of the Council's intended use policy for the licensing of hackney carriages is set out at **Appendix J**.

Period of licence

- 3b.9 Vehicle licences will be issued for 12 months.

Applicant

- 3b.10 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required,

satisfactory evidence must be produced to demonstrate compliance with this requirement.

Vehicles

3b.11 The Council requires all hackney carriage vehicles to comply with the following requirements:

Safety

3b.12 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council’s fitness test.

Other Requirements

3b.13 Vehicles must not seat more than eight passengers (not including the driver). Any alterations to the manufacturer seating configuration must be inspected and certified by DVSA and:

- (a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels
- (b) Provide sufficient means by which any person in the carriage may communicate with the driver.
- (c) Entire external bodywork of the vehicle must be of a uniform colour. (This does not prohibit the display of advertisements as authorised by the Council.
- (d) All paintwork must be maintained in a high gloss finish of a uniform colour (but note the specific requirement at ‘c’ above) and free from dents, scratches or rust.
- (e) Have a watertight roof or covering.
- (f) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
- (g) Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- (h) Have seats that are properly cushioned and covered.
- (i) Have a floor provided with a proper carpet, mat, or other suitable covering.

- (j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- (k) Provide means for securing luggage if the carriage is so constructed as to carry luggage.
- (l) All seats must have unobstructed access:-
- (m) Have a three point seatbelt as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended)
- (n) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.
- (o) Be maintained in a sound mechanical and structural condition at all times.
- (p) Have a spare pneumatic tyre or suitable manufacturers repair kits. Where tyres, including the spare must comply with the vehicle manufacturer's specification and any relevant legislation.
- (q) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- (r) Have provision for the legal transportation of a minimum of one wheelchair at all times.

Application process

3b.14 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3b.15 The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

3b.16 Any person wishing to licence a hackney carriage vehicle must submit:

- a completed application form;
- the appropriate licence fee;
- a valid Certificate of fitness
- a valid certificate of insurance for public hire
- all vehicles must have current Vehicle Excise Duty (Road Tax) this can be checked online

- the V5 registration certificate
- the vehicle is fitted with a taximeter in accordance with the requirements

Once all of the information has been provided it may take up to 10 working days to issue the licence.

Taximeters

3b.17 Taximeters must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled;
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

Fitness test requirements

3b.18 Fitness tests are required in accordance with the following requirements:

- Vehicles must be submitted for a fitness test in accordance with Tamworth borough Council's testing policy at intervals (and any other inspection deemed necessary by an authorised officer).
- Vehicles are tested every 6 months when under 4 years of age, and at 4 monthly intervals when over 4 years of age.
- Fitness tests must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator.
- The vehicle must have a valid fitness test throughout the licence period.
- It is the responsibility of the proprietor to ensure the fitness test is carried out on time.

No reminders will be sent out but the due date is written on the pass certificate issued.

- If a vehicle fails its fitness test the licence will be suspended from the expiry date of its previous fitness test. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

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V5 registration certificate

3b.19 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a licence

3b.20 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist. In such circumstances the vehicle must not be used after the expiry date until the renewal plate has been issued.

3b.21 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

Vehicle not fit for the conveyance of passengers

3b.22 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

Advertising

3b.23 Proprietors may advertise on hackney carriages in accordance with the conditions set out at **Appendix K**. This is subject to prior approval from the Council.

Closed circuit television (CCTV)

3b.24 Proprietors of hackney carriage vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to.

Trailers

3b.25 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix L** are complied with.

Ranks

3b.26 The Highways section of Staffordshire County Council will work with the hackney carriage trade, Licensing and Staffordshire Police to determine where ranks/stands ought to be situated.

3b.27 Where a driver is plying for hire and is illegally parked or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location, the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

LPG converted vehicles

3b.28 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

3b.29 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

3b.30 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

3b.31 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

Hackney carriage fares

3b.32 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be notified to all hackney carriage licence holders, considered by Licensing Committee and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.

Licence conditions

3b.33 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix C**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3b.34 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

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3b.35 Change of address

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

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3b.36 Retention of drivers licences

Where a Hackney Carriage is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

3b.37 Inspection

The proprietor must present their hackney carriage for inspection/testing by the Council as required per year.

3b.38 The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

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3b.39 Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

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3b.40 Production of documents

The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

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3b.41 Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

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3b.42 Transporting children

As a minimum, vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

3b.43 Ranks

Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council may appoint ranks/stands for hackney carriages. It is not a mandatory statutory requirement for the Council to do so. Before providing ranks/stands the Council will liaise with the police and the highways department of the Council.

3b.44 Fares

Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

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3b.45 Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.

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3c. PRIVATE HIRE VEHICLES

Summary

- 3c.1 Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.
- 3c.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, Tamworth Borough Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport (August 2011)
- 3c.3 The Council does not limit the number of private hire vehicle licences that it will issue.
- 3c.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

Period of licence

- 3c.5 Vehicle licences will be issued for 12 months.

Applicant

- 3c.6 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement.

Vehicles

- 3c.7 The Council requires private hire vehicles to comply with the following requirements:

Safety

- 3c.8 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be "type approved" to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been "type approved" to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council's fitness test.

Other Requirements

- 3c.9 Vehicles must not seat more than eight passengers (not including the driver) and:

- Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels;
- Provide sufficient means by which any person in the carriage may communicate with the driver;
- All paintwork must be maintained in a high gloss finish of a uniform colour and free from dents, scratches or rust;
- Have a watertight roof or covering;
- Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.
- Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.
- Have seats that are properly cushioned and covered;
- Have a floor provided with a proper carpet, mat, or other suitable covering.
- Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.
- Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- All seats must have unobstructed access:-
- All seats must have a three point seatbelt
- Have a minimum of four passenger doors including an entry/exit point for the driver.
- Be maintained in a sound mechanical and structural condition at all times.
- Have a spare pneumatic tyre, or manufacturers repair kit. All tyres, including the spare must comply with the vehicle manufacturer's specification and any relevant legislation.
- Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- Provide and maintain in the vehicle a suitable first aid box the contents of which must be as follows:

CONTENTS	
Guidance Leaflet on First Aid	1

Sterile Elastoplast Dressings Assorted	20
Sterile Triangular Bandage - 90cm x 127 cm	2
Safety Pins	6
Sterile Lint Dressings - BPC No 8 Medium	1
Sterile Lint Dressings - BPC No 9 Large	1
Moist Cleansing Wipes	10
Scissors, Blunt Ended	1
Elastoplast Dressing Strip - 6.3cm x 15cm	1
First Aid Windscreen Sticker	1

The box must be carried in such a position as to be readily visible and available for immediate use.

Application process

- 3c.10 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.
- 3c.11 The application process to licence a private hire vehicle is the same for a new or renewal application.
- 3c.12 Any person wishing to licence a private hire vehicle must submit:
- a completed application form;
 - the appropriate licence fee;
 - a valid fitness test (in accordance with the requirements set out at paragraph 3c.13 below);
 - a valid certificate of insurance for private hire
 - Evidence that appropriate Vehicle Excise Duty (Road Tax) has been paid, e.g. email confirmation from the DVLA or Post Office receipt; (which can be checked online)
 - the V5 registration certificate. (The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.)
 - evidence of compliance with the relevant European Emission Standards as set out in paragraph 3C.8 either at the point of vehicle construction or by a subsequent adaption or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate; and
 - **Once all of the information has been provided it may take up to 10 working days to issue the licence.**

Fitness test requirements

3c.13 Fitness test are required in accordance with the following requirements:

- Vehicles must be submitted for an fitness test in accordance with Tamworth borough Council's testing policy at intervals (and any other inspection deemed necessary by an authorised officer).
- Vehicles are tested every 6mnths when under 4years of age, and at 4 monthly intervals when over 4 years of age.
- Fitness tests must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator.
- The vehicle must have a valid fitness test throughout the licence period.
- It is the responsibility of the proprietor to ensure the fitness test is carried out on time. No reminders will be sent out but the due date is written on the pass certificate issued.
- If a vehicle fails its fitness test the licence will be suspended from the expiry date of its previous fitness test. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

V5 registration certificate

3c.14 The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a licence

3c.15 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

3c.16 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

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Vehicle not fit for the conveyance of passengers

3c.17 Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

Advertising

3c.18 Proprietors may advertise on private hire vehicles in accordance with the conditions set out at **Appendix K**. This is subject to prior written approval from the Council.

Closed circuit television (CCTV)

3c.19 Proprietors of private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to.

Trailers

3c.20 Private hire vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the conditions set out at **Appendix L** are complied with at all times.

Meters

3c.21 Private hire vehicles will not require a meter. However if a meter is fitted, it must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to

apply to the fare recorded thereon.

LPG converted vehicles

3c.22 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

3c.23 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

3c.24 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

3c.25 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 3 months from the date the licence was suspended the Council will revoke the licence.

Licence conditions

3c.26 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix D**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3c.27 Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

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3c.28 Inspection

The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 3 times per year.

3c.29 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

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3c.30 Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the

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safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

3c.31 Production of documents

The proprietor must, on request, produce for inspection the private hire vehicle licence and insurance certificate within 7 days.

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3c.32 Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

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3c.33 Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restraints must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restraints must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

3c.34 Ranks/stands

A private hire vehicle must not wait on any rank/stand.

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3d. Private Hire Executive vehicles

- 3d.1 The Council will consider requests to licence a vehicle for Private Hire Vehicle Executive Plating. This is a licence that will allow for discreet plating but can only be used for trips of an executive nature and not for general private hire use.
- 3d.2 Vehicles must be pre-approved by an authorised officer and must be such, in the opinion of the licensing officer, of such quality and character to be considered an executive vehicle.
- 3d.3 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix E**. These conditions are in addition to any matters set out within the main body of the Policy.

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3e. PRIVATE HIRE OPERATORS

Summary

3e.1 Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

Period of licence

3e.2 Operator licences will be issued for a period of 5 years.

Application process

3e.3 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (including the cost of a DBS check, where appropriate) is payable at the time the application is submitted.

3e.4 The application process to licence a private hire operator is the same for a new or renewal application.

3e.5 Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate);
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate

Criminal record disclosure

3e.6 In addition, all applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

3e.7 Have a satisfactory enhanced DBS check

Enquiries may be made through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from

3e.8 **N.B** For partnerships or companies, the above requirements apply to all partners and directors/company secretaries who are directly involved in the management of drivers. Where there is no direct involvement with the management of drivers, all partners and directors/company secretaries are required to provide a satisfactory basic criminal record disclosure. Applicants can apply for a basic criminal record disclosure at <https://www.gov.uk/request-copy-criminal-record>.

3e.9 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at paragraphs 3a.4 to 3a.16 of this guidance.

3e.10 Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Conduct from the Consulate of the applicant's country of origin. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Operator's premises

3e.11 The Council will not grant an operator's licence unless the operator can demonstrate to the Council that they have the appropriate planning consent required to operate their business.

3e.12 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

3e.13 The Council will not grant an operator's licence to apply to any physical premises that falls out of the administrative area of Tamworth Borough Council.

3e.14 There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

Insurance

3e.15 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.

3e.16 The operator must also obtain information as to any requirement for them to have Employers Liability indemnity; if there is such a requirement, it must be for a minimum of £1,000,000.

Record keeping

3e.17 Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer

Vehicle not fit for the conveyance of passengers

3d.18 Where an operator has notified the Council that damage has occurred to a vehicle, otherwise than by an accident that has led to the involvement of the relevant insurance company, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer

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of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.

Closed circuit television (CCTV)

3e.19 Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so.

Licence conditions

3e.20 Applicable conditions relevant to a private hire operator licence are set out at **Appendix E**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

3e.21 Contract

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not the operator provided the vehicle.

3e.22 Production of records/documents

Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.

3e.23 Transporting children

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

	Front seat	Rear seat	Who is responsible?
Child up to 3 years	Correct child restrains must be used	Correct child restraint must be used. If a restraint is not available in a licensed hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height or 12th birthday, whichever they reach first	Correct child restrains must be used	Where seat belts are fitted, the correct child restraint must be used. The child must use adult belt if the correct child restraint is not available as follows: in a licensed hackney carriage or private hire vehicle; or for a short distance in an unexpected	Driver

		necessity; or two occupied child restraints prevent fitting of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	
Child over 135 cm in height or 12 or 13 years old	Seat belt must be worn if available*	Seat belt must be worn if available.	Driver
Passengers aged 14 years and over	Seat belt must be worn if available*	Seat belt must be worn if available.	Passenger

*Vehicles built before 1965 are not required to have fitted seatbelts.

PART 4 – COMPLIANCE, ENFORCEMENT AND COMPLAINTS

Summary

- 4.0 This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

Compliance and enforcement

- 4.1 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy. In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of Tamworth Borough Council and the police.
- 4.2 The Council will work closely with other enforcement authorities, particularly Staffordshire Police when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 4.3 The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically be suspended for a period of 7 days and/possibly face a Committee hearing. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.
- 4.4 The points list is not exhaustive and the licencing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.
- 4.5 A driver can appeal any points awarded by requesting a committee hearing.

Complaints

- 4.5 Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

Part 5 - CONSULTATION

- 5.0 In determining this Guidance, the views of relevant stakeholders have been taken into consideration.
- 5.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communicating and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Guidance, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.
- 5.3 The views of relevant stakeholders will be considered in any major changes to this guidance.

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PART 6 – LICENSING CONTACT DETAILS

Contact details

For information, advice and guidance relating to hackney carriage and private hire licensing please contact:

Tamworth Borough Council
Marmion House
Lichfield Street
Tamworth
Staffordshire
B79 7BZ

Telephone: 01827 709674

Email: Taxi-Licensing@tamworth.gov.uk

<http://www.tamworth.gov.uk/list-licences>

Tamworth Borough Council is open
Monday - Thursday 8.45am - 5.10pm
Friday - 8.45am - 5.05pm

CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Introduction

- A1.0 Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children in relation to child sexual exploitation and trafficking.

General information

- A1.1 Tamworth Borough Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the County Council and the Staffordshire Safeguarding Children Board.
- A1.2 Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Children Social Care First Response Service helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.
- A1.3 Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background. Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.
- A1.4 Child sexual exploitation involves perpetrators grooming children and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.

- A1.5 Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licenced drivers and private hire operators are in an ideal position to help protect young people. In particular, drivers should ask themselves the following questions when picking up a fare:
- Does your customer appear to be under 18 years old?

- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

A1.6 If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the 'Safety of children and adults at risk' detailed in the Council's Hackney Carriage and Private Hire Licensing Guidance.

A1.7 If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns and share information with Staffordshire Police (Tel: 101) and Staffordshire Children Social Care First Response Service (Tel: 08001313126).

A1.8 If a child is in immediate danger phone 999

A1.9 Further information about Safeguarding Children can be found at:

<http://www.staffsscb.org.uk/Home.aspx>

A1.10 All drivers are expected to attend Safeguarding training and any updates provided throughout their licence period. Tamworth Borough Council provides free training in Safeguarding. Attendance of this training is voluntary at present. If any drivers decide not to volunteer for this training then it will become compulsory and a charge introduced.

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE - CONDITIONS OF LICENCE

General

- B1.0 The list of conditions set out below is not finite. Additional information regarding all aspects of driver licensing is available in Tamworth Borough Council's Hackney Carriage and Private Hire Licensing Policy. The Policy must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a driver's licence are regarded as if they are conditions of the licence, whether specifically listed or referred to below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, drivers are advised that such references are not exhaustive and it is the driver's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.
- B1.1 All references to 'driver' in the conditions set out below mean a driver who holds a driver's licence issued by the Council in accordance with the Council's Hackney Carriage and Private Hire Licensing Policy and relevant legislation.

Fit and proper person

- B1.2 Throughout the currency of the licence, the driver must continue to be a fit and proper person to hold the licence. In this respect, the driver must have due regard to the relevant provisions of the Council's policy, be aware of the checks that will be undertaken by the Council and act in accordance with the responsibilities that being a fit and proper person would reasonably place on a licensed driver.
- B1.3 In particular, during the currency of a licence, the driver must notify the Council, in writing, within 72 hours, if:
- They receive any warnings, cautions, fixed penalties or driving endorsements;
 - Are arrested (whether or not charged with an offence);
 - Are charged with any criminal offence;
 - Are convicted of any criminal offence; or
 - Allegations are made of their involvement in criminal activity.

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Driver's badge and licence

- B1.4 Loss of a driver's badge must be reported immediately to the Council and the local police. An incident number must be obtained from the police and the number given to the Council. The driver must immediately obtain a new driver's badge from the Council for which a fee will be charged. If the original badge is then found, it must be returned to the Council.

Insurance

- B1.5 It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.

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Conduct

B1.6	The driver <u>MUST</u> , at all times, when driving a hackney carriage or private hire vehicle:	
	<ul style="list-style-type: none">Wear their driver's badge around their neck using the council issued lanyard and badge holder ensuring that their photograph and licence details are visible.	2
	<ul style="list-style-type: none">Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.	2
	<ul style="list-style-type: none">Behave in a civil and orderly manner towards all persons including, but not limited to, other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, police officers, officers and elected members of the Council.	2
	<ul style="list-style-type: none">Be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers.	2
	<ul style="list-style-type: none">Take all reasonable steps to assist passengers when they are entering or alighting from the vehicle.	2
	<ul style="list-style-type: none">To convey passengers, subject to any instructions given by them, to their destination by the shortest practicable route and to ensure their safety.	9
	<ul style="list-style-type: none">When requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage.	2
	<ul style="list-style-type: none">When, having agreed or been hired to attend a specific location at an appointed time with their vehicle, unless delayed/prevented from doing so by some sufficient/reasonable cause, punctually attend at such appointed time and place.	2
	<ul style="list-style-type: none">Show due consideration when driving through residential areas.	2
B1.7	The driver <u>MUST NOT</u> , at any time, when driving a hackney carriage or private hire vehicle:	
	<ul style="list-style-type: none">Use offensive, abusive, profane or insulting language or behaviour.	3
	<ul style="list-style-type: none">Smoke, use or permit passengers to smoke in their vehicle. This includes e-cigarettes and vaping and any similar paraphernalia.	4
	<ul style="list-style-type: none">Without the express permission of the hirer, eat or drink in the vehicle. (Drivers are only permitted to eat or drink in a vehicle when the vehicle is stationery.)	2
	<ul style="list-style-type: none">Cause or permit sound emitted from any radio/sound reproducing instrument or equipment in the vehicle to be an annoyance/nuisance to any person, whether inside or outside the vehicle.	2
	<ul style="list-style-type: none">Sound their vehicle's horn to alert passengers of the vehicle's arrival.	2
	<ul style="list-style-type: none">permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.	2

<ul style="list-style-type: none"> • allow any persons to drive a vehicle unless they are authorised to do so by the proprietor and hold an appropriate license to do so. 	6
<ul style="list-style-type: none"> • leave their vehicle unattended in any street or public place or venue in contravention to parking regulations. 	2
<ul style="list-style-type: none"> • obstruct other drivers/vehicles from undertaking their normal hiring and driving activities. 	3
Animals	
B1.8 When driving a hackney carriage or private hire vehicle, a driver must not carry any animal belonging to them, the proprietor or operator of the vehicle or in their custody whilst fare paying passengers are being conveyed in the vehicle.	2
B1.09 In general the transportation of animals belonging to or in the custody of any fare paying passengers is permitted at the discretion of the vehicle owner/company and if undertaken must be in the rear of the vehicle in the foot well or floor pan of the vehicle.	
B1.10 However, assistance dogs (unless the driver holds a medical exemption) MUST be transported when requested by a passenger. Drivers MUST NOT impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.	6
Medical exemption	
B1.11 Where a driver is exempt on medical grounds from carrying wheelchair bound passengers or assistance dogs, they must carry the Council issued letter confirming the exemption in the vehicle at all times. Exemption can only be granted by the authorised Medical Centre. The driver will also be issued an Exemption certificate by Tamworth Borough council that must be placed on the kerb side of the vehicle in a prominent position that can be seen by customers before entering the vehicle.	2
Change of particulars	
B1.12 The driver must notify the Council, in writing, of any change of particulars which may occur during the currency of their licence, including any change of address or change of employer/operator. Any such change must be notified within 14 days. Where a change of address occurs, the driver must also amend the address on their driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the issuing body, e.g. DVLA. Both the paper and the plastic photo card licence must be produced.	2
Roof signs	
B1.13 The driver of a hackney carriage must ensure that the roof signs are maintained and kept in such condition that the information is clearly visible to public view at all times and that the light in the sign is connected to the meter switch such that the light is switched on when the hackney carriage is available for hire and switched off when the hackney carriage is not available for hire. Drivers will have 7 days to fix LED lights.	3

Passengers

B1.14 The driver must not convey or permit to be conveyed in a licensed hackney carriage or private hire vehicle a greater number of passengers than the number prescribed in the relevant vehicle licence. 6

B1.15 The driver of the licensed vehicle must only carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more. 6

Transporting children

B1.16 Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children and not with the driver of the vehicle.

Lost property

B1.17 After fare passengers have alighted from the hackney carriage or private hire vehicle, the driver must, as soon as is practicable, search the vehicle for any property which may have been left. Where such property is found and irrespective of the value, the driver must, if it has not been claimed by or on behalf of the passenger (or their representative) who left it within 24 hours, hand it, in the case of a private hire driver to their operator or in the case of a hackney carriage driver directly to a police station as soon as is practicable.

Parking between bookings

B1.18 Where drivers are driving in the Council's area, they must as soon as they have dropped passengers at their required destination and unless prevented from doing so by another booking, return to a suitably safe place to park. 2

Meters

B1.19 Where taximeters are fitted to vehicles, the driver must not cause the fare recorded thereon to be cancelled or concealed until the hirer has had an opportunity to examine the meter and has paid the fare (or credit has been given).

B1.20 The driver must ensure:

- the meter is sufficiently illuminated so that when it is in use it is visible to all passengers; 6
- the meter is used for the whole of any journey; 6
- the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey; 6
- the meter is only brought into action at the commencement of the hirer's journey; and 6
- the correct tariff for that journey is displayed. 6

Fares	
B1.21 The driver must not demand from the hirer a fare in excess of any fare previously agreed between the operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.	9
B1.22 The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.	3
Identification plates	
B1.23 Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is being used for hackney carriage or private hire purposes.	3
Condition of vehicle	
B1.24 A driver must not drive a licensed vehicle if he has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He is advised to inform the operator or proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his control.	6
Accidents	
B1.25 The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the operator or proprietor any accident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the operator or proprietor within 72 hours.	3
Complaints	
B1.26 A driver must advise passengers of their right to refer any complaint to the Council.	
Period of Licence	
B1.27 Except in exceptionally circumstances Driver licences will be issued for a period of three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. Checks may include DBS, Medical and Driving Licence. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licencing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.	3

HACKNEY CARRIAGE LICENCE – CONDITIONS OF LICENCE

Council's Vehicle Licensing Criteria

C1.0 All vehicles presented for licensing as hackney carriages must be purpose built wheelchair accessible London type cabs which comply with the specifications of the Public Carriage Office of the Metropolitan Police.

Conditions of Licence

C1.2 Requirements of the Hackney Carriage Byelaws, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

C1.3 Hackney Carriage Byelaws

1 Throughout these byelaws "the Council" means the Mayor Aldermen and Burgesses of the Borough of Tamworth, acting by the Council, and "the district" means the Borough of Tamworth.

2.

a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto. (Plate provided for outside and Tariff Card provided for inside).

b) A proprietor of a hackney carriage shall:

not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

3. The proprietor of a hackney carriage shall:

provide sufficient means by which any person in the carriage may communicate with the driver;

cause the roof or covering to be kept water tight;

provide any necessary windows and a means of opening and closing with not less than one window on each side;

cause the seats to be properly cushioned or covered;

cause the floor to be provided with a proper carpet, mat, or other suitable covering;

cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service;

provide means of securing luggage if the carriage is so constructed as to carry luggage;

provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;

cause the carriage to be fitted with a "TAXI" sign which shall be capable of illumination and which shall be illuminated during the hours of darkness only when the carriage is standing or plying for hire within the Borough. For the purpose of this Byelaw "the hours of darkness" shall be the hours in which lighting up times operate in the Borough. The sign shall be attached to the roof or rack, and be of overall size not less than 9 inches long and 4 inches high and showing the work "TAXI" to the front of the carriage in letters not less than 3 inches high and of proportionate width;

cause the carriage to be fitted with an interior light of sufficient brightness to reasonably illuminate the interior of the carriage;

cause the carriage to be provided with a spare wheel and tyre in such a condition that it is readily available for use in the case of a punctured or damaged tyre or wheel together with all the necessary tools and equipment for readily effecting the replacement.

- 4 The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of the taximeter;
 - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of

being suitably illuminated during any period of hiring;

- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. A proprietor of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
6. A proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
7. The proprietor of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
8. A proprietor of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons determined by the Council and specified on the plate attached to the outside of the carriage.
9. Every proprietor of a hackney carriage who knowingly conveys in the carriage the dead body of any person shall immediately thereafter notify the fact to the Medical Officer of Health/Consultant for Communicable Disease Control via Tamworth Borough Council.
10. The Proprietor of a hackney carriage shall not permit the exhibition of any advertisement in or upon such carriage, unless it shall have been previously approved by the Council.
11. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Where a hackney carriage furnished with a taximeter is hired by distance the proprietor shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

12.
 - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - b) The proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or

suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

13. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
14. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge on his giving a receipt for it;
 - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

- C1.4 Any person contravening the byelaws shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale and in the case of a continuing offence to a further fine of two pounds for each day after written notification of the offence has been given by the Council.

Requirement of the Town Police Clauses Act 1847

Employment of Unlicensed Drivers

- C1.5 The licensee may not employ to drive the licensed vehicle any person who does not have a current hackney carriage driver's licence issued by Tamworth Borough Council.

12

Notification of Change of Address

- C1.6 The licensee shall notify the Council of any change in address during the currency of the licence and shall return the licence to the Offices of the Council for endorsement with the new particulars of address.

3

Retention of Driver's Licence by Proprietor

- C1.7 The licensee shall retain the hackney driver's licence of any person employed to drive the licensed vehicle for such time as that driver is so employed and upon termination of that employment it shall be returned to him.

Suspension of Licence

- C1.8 The proprietor shall not permit the vehicle to be used as a hackney carriage at any time whilst the licence is suspended or at any time whilst the vehicle's hackney licence plate is not displayed on the vehicle.

12

Demanding more than the Agreed Fare

C1.9 A proprietor who by prior arrangement with the hirer agrees to carry out any hiring for less than the rate of fare prescribed by the Council shall not demand more than the agreed fare.

9

Agreements to Carry Passengers a Discretionary Distance for a Fixed Sum

C1.10 If the proprietor agrees to carry a hirer a distance at the discretion of the proprietor, for a fixed sum, the proprietor is not permitted to carry the hirer for a distance less than the hirer should have been entitled to travel according to the rates prescribed by the Council, for the sum agreed.

9

Penalty for Overcharging

C1.11 Any proprietor convicted of taking from a hirer more than the rate of fare prescribed by the Council shall be liable to a penalty not exceeding level 3 on the standard scale.

9

Persons Riding with the Consent of the Hirer

C1.12 The proprietor may not allow any person to ride in the carriage without the consent of the hirer.

2

Requirements of the Local Government (Miscellaneous Provisions) Act 1976

Transfer of Vehicle

C1.13 If the licensee transfers his interest in a licensed vehicle to another person he shall within 14 days give notice in writing of the transfer to the Council, specifying the name and address of the person to whom the vehicle has been transferred.

2

Testing of the Vehicle

C1.14 The licensee shall present the licensed vehicle for testing at such time and place as may be reasonably required on up to three occasions during any period of 12 months.

Return of Vehicle Identity Plate

C1.15 On the revocation, expiry or suspension of the vehicle licence, the licence and identification plates provided by the Council shall be returned to the Council within 7 days of the receipt of the request for such return.

3

**Conditions of Licence made under Section 47
Local Government (Miscellaneous Provisions) Act 1976**

Vehicle Insurance

C1.16 The licensee shall notify the Council of any change of details of insurance cover for the vehicle during the currency of the licence.

3

C1.17 The licensee shall produce to the Council evidence of renewal and continuity of insurance cover throughout the term of the licence.

3

Accidents

C1.18 All accidents in which the vehicle is involved of any nature, whether resulting in personal injury or damage to the licensed vehicle or not, shall be notified to the Council, on the accident report form provided on request by the Council, within 72 hours of such accident.

3

Licence Plates

C1.19 The licensed vehicle shall be fitted with the Council licence plate which is to be affixed to the rear of the vehicle at or above bumper height in a vertical plane at or as close to as is practicable the centre line of the vehicle. The plate shall not be in any way obscured by the fitting of a towing bracket, tow ball or any other equipment.

3

Cleanliness and Safety of the Vehicle

C1.20 The vehicle proprietor shall

- a) Ensure that the external coachwork of the vehicle is maintained at all times in a clean condition and in good repair and free from rust.
- b) Ensure that all fire extinguishers provided in accordance with the byelaws shall be of the general purpose dry powder type with a minimum capacity of 0.9kg to BS EN3 2009.

(Note: Existing extinguishers provided on vehicles currently licensed may be continued to be carried until used or considered no longer serviceable when they must be replaced with one in accordance with the above specification).

- c) Provide and maintain in the vehicle a suitable first aid box the contents of which must be as follows:

CONTENTS	
Guidance Leaflet on First Aid	1
Sterile Elastoplast Dressings Assorted	20
Sterile Triangular Bandage - 90cm x 127 cm	2
Safety Pins	6
Sterile Lint Dressings - BPC No 8 Medium	1

Sterile Lint Dressings - BPC No 9 Large	1
Moist Cleansing Wipes	10
Scissors, Blunt Ended	1
Elastoplast Dressing Strip - 6.3cm x 15cm	1
First Aid Windscreen Sticker	1

The box must be carried in such a position as to be readily visible and available for immediate use.

Interior Identification Sign

C1.21 The licensee shall ensure that the interior notice provided by the Council on which is shown the licence number and seating capacity of the vehicle is at all times displayed in a conspicuous position inside the vehicle.

3

Citizens Band Radios etc

C1.22 The proprietor shall not permit any radio communications equipment to be fitted in the vehicle other than the apparatus which may be fitted so as to enable the vehicle driver to communicate with the vehicle operating base. In particular the vehicle may not be fitted with a Citizens Band radio and no driver may use such a radio in the licensed vehicle.

Vehicle Specification

C1.23 The licensee shall not during the currency of the licence alter the specification, design or appearance of the vehicle without the prior consent of the Council's authorised officer.

2

Convictions to Licensees

C1.24 The licensee shall notify the Council of any convictions under the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or the Road Traffic Acts in relation to Hackney Carriages or involving dishonesty.

6

The notification which shall be in writing shall include:

- a. Date of Conviction
- b. Court where case heard
- c. Nature of Offence
- d. Penalty imposed

and shall be given to the Council within 7 days of such conviction.

Notices

C1.25 Any notices or notifications required to be given to the Council in accordance with these conditions of licence or required by the Local (Government) Miscellaneous Provisions Act 1976 shall be in writing and handed personally to an officer of the Council at the Ground Floor Reception, Marmion House, Lichfield Street, Tamworth

B79 7BZ or left deposited in the Council's official letterbox at that address within the time stated.

Exceptional Age Policy

C1.26 Hackney Carriages vehicles licensed by Tamworth Borough Council can continue to have their licenses renewed until they reach 12 years of age from the date of registration.

C1.27 If the licence holder wishes to continue to renew the vehicle licence after its standard working life then application can be made for an annual extension to the licence as follows:

- a. The owner of a hackney carriage or private hire vehicle whose vehicle is approaching 12 years or 8 years of age respectively will be required to notify the Licensing Authority in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by twelve months in accordance with the Exceptional Vehicle Age Policy.
- b. In subsequent years the owner of a hackney carriage or private hire vehicle, who has been granted a licence in accordance with the Exceptional Vehicle Age Policy at the last date of licensing, shall notify the Licensing Authority at least six months prior to submitting a renewal application, that he intends to seek a further extension to the operating life of the vehicle.
- c. The examination and inspection of any vehicle in accordance with this policy shall take place on the second scheduled test date preceding the renewal date for the vehicle's licence. This applies to initial requests for consideration under this policy and all subsequent requests.
- d. The criteria detailed below are in addition to all current vehicle test criteria requirements.
- e. The Licensing Authority's test station shall be authorised to examine and approve the vehicle's mechanical condition in accordance with this policy.
- f. A duly authorised officer of the Licensing Authority or its nominee will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -

C1.28 Criteria

- a) The vehicle must have a full, unbroken, continuous history of testing for its Certificate of Fitness
- b) In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last three fitness tests on first submission in the twelve months preceding the second scheduled test date.
- c) The bodywork of the vehicle must be in near perfect condition with no substantial dents, damage or corrosion being evident.

- d) Paintwork should be unblemished and have a good overall colour match.
- e) The interior and exterior trim must be complete.
- f) All interior fittings must be in place and working.
- g) No excessive loose wiring should be evident hanging from the dashboard.
- h) All carpets, where provided, must be in a clean well-fitted and secure state with no unduly worn areas.
- i) The boot and luggage compartment must be clean, uncluttered and watertight.
- j) There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.

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PRIVATE HIRE VEHICLE LICENCE - CONDITIONS OF LICENCE

General

D1.0 The list of conditions set out below is not finite. Additional information regarding all aspects of private hire licensing is available in the Council's Hackney Carriage and Private Hire Licensing Policy and this must be read in conjunction with the specific conditions set out below. Any legal requirements that apply to the operation of a private hire licence are regarded as if they are conditions of the licence, whether specifically listed below or in the policy or not. Where reference is made to legal requirements either in the conditions below or in the Council's policy, proprietors are advised that such references are not exhaustive and it is the proprietor's responsibility to ensure they are fully aware of all relevant legal requirements with which they must comply.

Test requirements

D1.2 All vehicles must meet the Council's safety and fitness test requirements. Where a vehicle is the subject of any test during the application process or during the currency of any licence and it is determined that the vehicle is not fit for the purpose of conveying passengers the proprietor must notify the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence.

LPG converted vehicles

D1.3 The proprietor must notify the Council, within 7 days, of any LPG conversion and provide the LPG Association Conversion certificate.

External vehicle licence plates

D1.4 The external plates (front and rear) identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be:

- securely fixed to the outside front and rear of the vehicle in a conspicuous position;
- maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times;
- displayed at all times and in such a manner as to be easily removable by an authorised officer of the Council or a police officer;
- returned to the Council within 7 days of revocation or expiry (if not renewed) of the vehicle's licence; where the licence is suspended, be returned if required.

D1.5 **AND** at no time, during the currency of the vehicle licence, is it permitted for the licence plates to be removed from the licensed vehicle.

D1.6 Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.

3

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3

Internal signage

D1.7 Tariff Card

The tariff card must be displayed in a prominent position so that it can be easily viewed by passengers.

2

D1.8 Interior markings

The proprietor must clearly mark and maintain inside the vehicle, in such a position as to be clearly visible at all times a no smoking sign.

D1.9 In addition a drivers badge must displayed in a prominent position so that it can be easily viewed by passengers.

3

Advertising

D1.10 Proprietors must obtain approval from the Council prior to carrying advertisements on their private hire vehicle.

D1.11 Materials that are used for advertisements must be of a quality not easily defaced, soiled or detached.

D1.12 Reflective material must not be used.

D1.13 Advertising signs must not be illuminated.

D1.14 Advertisements may be affixed directly onto the exterior and/or internal body of the vehicle in such a position as not to obscure Council issued plates and all other required signs.

D1.15 Advertisements must comply with the relevant conditions set out in the Council's Policy.

D1.16 Private hire vehicles are prohibited from displaying the words 'taxi' or 'cab' in the singular or plural or the word 'hire' unless the word 'hire' forms part of the relevant company name or any word or similar meaning or appearance to any of these words, whether alone or as part of another word.

Closed circuit television (CCTV)

D1.17 Proprietors wishing to install closed circuit television (CCTV) in their private hire vehicle, must notify the Council, in writing, of their intention to do so.

D1.18 The CCTV system must be installed in accordance with the appropriate legal framework.

Trailers

D1.19 Proprietors must ensure any trailer:

- is inspected annually with the vehicle to which it relates;
- has a plate that relates to the towing vehicle(s); and
- complies with the relevant conditions set out in the Council's Policy.

Meters

D1.20 Whilst the fitting of meters is not mandatory in private hire vehicles, if meters are fitted, then the following conditions apply:

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- When the machinery of the meter is in action there must be recorded on the face of the meter in figures clearly legible and free from ambiguity, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance.
- The meter must be so placed that all the letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures must be capable of being illuminated during any period of hiring.
- The meter must be set to reflect the current table of fares approved by the Council, or to an alternative table of fares that is in all cases lower than the Council approved table. Where the meter is set to an alternative table that table must be prominently displayed in addition to the approved table. A lesser fare than that shown on the taximeter at the end of a journey may be charged.
- When hired, a meter must be used for the whole of any journey.

Signs

D1.21 Private hire vehicles must not display a roof sign.

D1.22 All vehicles must display Council issued signs (side plates) on the upper portion of the rear driver door and the rear passenger door of the vehicle using the adhesive backed signs provided. These signs will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The signs must be kept intact, clean and firmly attached to the vehicle doors as described above. The use of magnetic panels is prohibited. The removal of the signs is prohibited whilst the vehicle is licensed by Tamworth Borough Council. In the event that a side plate is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement sign.

3

Change of proprietor/address

D1.23 Any change in the proprietor of a private hire vehicle or the proprietor's address must be notified to the Council, in writing, during the period of the licence within 7 days of such change taking place by the proprietor.

3

Fitness Test

D1.24 The vehicle must have a valid fitness test throughout the licence period.

Insurance

D1.25 Satisfactory evidence must be produced that there is in force, for the use of the vehicle, a policy of insurance covering the carriage of passengers for hire or reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

3

<p>D1.26 The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list available to an authorised officer of the Council or a police officer at all reasonable times, when so required.</p>	3
<p>Vehicle Excise Duty (Road Tax)</p>	
<p>D1.27 The vehicle must have valid Road Tax throughout the licence period.</p>	6
<p>Alterations to vehicles</p>	
<p>D1.28 No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the written approval of the Council.</p>	2
<p>Damage to vehicles</p>	
<p>D1.29 Notification must be given by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of any accident/damage to the vehicle that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.</p>	3
<p>Inspection/examination</p>	
<p>D1.30 The proprietor must permit any authorised officer of the Council or any police officer, at all reasonable times, to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection/examination or to an officer of the Council or police officer within 5 days.</p>	3 & Sus
<p>Convictions</p>	
<p>D1.31 The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if:</p>	6
<ul style="list-style-type: none"> • They receive any warnings, cautions, fixed penalties or driving endorsements; • Are arrested (whether or not charged with an offence); • Are charged with any criminal offence; • Are convicted of any criminal offence; or • Allegations are made of their involvement in criminal activity. 	
<p>Exceptional Age Policy</p>	
<p>D1.32 Private Hire vehicles licensed by Tamworth Borough Council can continue to have their licenses renewed until they reach 8 years of age from the date of registration</p>	
<p>D1.33 If the licence holder wishes to continue to renew the vehicle licence after its standard working life then application can be made for an annual extension to the licence as follows:</p>	
<ol style="list-style-type: none"> a. The owner of a private hire vehicle whose vehicle is approaching 12 years or 8 years of age respectively will be required to notify the Licensing Authority in writing at the time of making an application for the grant of a licence that they 	

wish to extend the operating life of their existing vehicle by twelve months in accordance with the Exceptional Vehicle Age Policy.

- b. In subsequent years the owner of a hackney carriage or private hire vehicle, who has been granted a licence in accordance with the Exceptional Vehicle Age Policy at the last date of licensing, shall notify the Licensing Authority at least six months prior to submitting a renewal application, that he intends to seek a further extension to the operating life of the vehicle.
- c. The examination and inspection of any vehicle in accordance with this policy shall take place on the second scheduled test date preceding the renewal date for the vehicle's licence. This applies to initial requests for consideration under this policy and all subsequent requests.
- d. The criteria detailed below are in addition to all current vehicle test criteria requirements.
- e. The Licensing Authority's test station shall be authorised to examine and approve the vehicle's mechanical condition in accordance with this policy.
- f. A duly authorised officer of the Licensing Authority or its nominee will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -

D1.34 Criteria

- a) The vehicle must have a full, unbroken, continuous history of testing for its Certificate of Fitness
- b) In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last three fitness tests on first submission in the twelve months preceding the second scheduled test date.
- c) The bodywork of the vehicle must be in near perfect condition with no substantial dents, damage or corrosion being evident.
- d) Paintwork should be unblemished and have a good overall colour match.
- e) The interior and exterior trim must be complete.
- f) All interior fittings must be in place and working.
- g) No excessive loose wiring should be evident hanging from the dashboard.
- h) All carpets, where provided, must be in a clean well-fitted and secure state with no unduly worn areas.
- i) The boot and luggage compartment must be clean, uncluttered and watertight.
- j) There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.

Private Hire Vehicle – Executive Vehicle Supplementary conditions of Licence

Introduction

- E1.1 The Private Hire Vehicle Executive Licence, is granted subject to complying with the following conditions of licence in addition to the standard private hire vehicle conditions.
- E1.2 The 'Licence Holder' is the proprietor of the vehicle.
- E1.3 All references to the "Council" in these conditions mean Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ.

Type of Work

- E1.4 Once a vehicle has been licenced as a Private Hire Executive Licence the vehicle can only be used for work of an Executive nature and not for day to day local usage. The proprietor must be able to produce, when requested by the Licensing Office, information on bookings taken. The Licensing Officer will have the right to remove the Executive Licence and revert it to a normal Private Hire Licence if booking information is supplied on request or it is not felt that at least 90% of work undertaken is of an executive nature.

Vehicle Type

- E1.5 Only vehicles pre-approved by the Licensing Officer will be accepted as executive vehicles.
- E1.6 Executive Vehicles must be, in the opinion of the licensing officer, of such quality and character as to be considered as an executive vehicle.

Seating

- E1.7 Vehicles will be licensed for a maximum of 8 passengers only, regardless of the number of seats available within the vehicle. Proprietors of such vehicles must sign a declaration that they are aware that their vehicle is only licensed for 8 passengers and agree to ensure that no more than 8 people are carried under any circumstances.
- E1.8 Seating must have adequate dimensions and leg room in the opinion of the licensing officer.
- E1.9 On L-shaped seats, only one seat on the right angled corner will be accepted.

Vehicle Testing

- E1.10 All Executive Vehicles under the age of 4 years will attend two vehicle compliance checks per year and one licensing officer check.
- E1.11 All Executive Vehicles over the age of 4 years will attend three vehicle compliance

checks per year and one licensing officer check.

E1.12 Vehicle compliance checks will take place at Tamworth Borough Council's approved garage.

E1.13 Failure of any of these checks will mean an immediate suspension of the private hire executive vehicles licence, until repairs can be made, the test has been re-taken and the vehicle has been found to be satisfactory.

E1.14 In addition to this, all proprietors should undertake their own documented monthly checks to the council's specification.

E1.15 Stretched limousines must have Individual Vehicle Approval (IVA) (<https://www.gov.uk/vehicle-approval/individual-vehicle-approval>) to be registered and licensed. For those built before 29 July 2011 a Certificate of Fitness (COIF) is accepted.

E1.16 Stretched limousines are still required to undertake the Council's fitness tests. In the event that a stretched limousine cannot be tested at the Council's appointed vehicle testing station then they may be tested at a suitable testing station authorised beforehand by Tamworth Borough Council. A separate inspection form provided by Tamworth Borough Council must be completed by the testing station completing the test.

Electrical Equipment

E1.17 If applicable, the controls for any driver screen and/or sunroof should be isolated, so the driver alone may operate them

Provisions of Alcohol

E1.18 Alcoholic drinks provided in the vehicle shall be under the terms of any legislative requirements relating to the sale and supply of alcohol. No persons under 18 years of age shall be permitted to drink alcohol within the vehicle

12

Spares and Repairs

E1.19 A spare tyre, of an approved type only, and the appropriate tools to make the repair (or an approved repair kit) must be carried, or a contract be in place with a repairer / recovery company who can supply such parts immediately in the event of a flat tyre.

3

Licence Plates

E1.20 All Private hire Executive Vehicles must at all times display the square licence badge in the internal left corner of the vehicles front windscreen. The rectangular licence plate shall be attached to the backing plate supplied by the Council and position either above or below the rear vehicle registration number plate, or as determined by an authorised officer.

E1.21 The licence plates must not be obstructed from view, inside or outside the vehicle, at any time.

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E1.22 The interior licence plate should be produced on demand by an authorised officer

3

Revocation and Modification of Conditions

E1.23 The Council reserves the right (as its own behest and at any time) to revoke, vary, or modify any of these conditions and/or to make sure additional conditions as it may deem requisite, either generally or in respect of any particular licence or occasion.

E1.24 The following sections of the general private hire vehicle conditions ONLY are suspended for Executive Vehicles:

- Type size and Design
- Testing of Vehicles
- Minibus Type Vehicles
- Advertising Signs
- Licence Plates and Identification Signs
- Exception Vehicle Age Policy

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PRIVATE HIRE OPERATOR LICENCE - CONDITIONS OF LICENCE

Guidance for Applicants

- F1.0 The proprietor must ensure that at all times a list is maintained of all licensed drivers on 55 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the Local Authority shall not issue an operators licence unless satisfied that the applicant is a fit and proper person to hold a licence.

Submission of Police Record

- F1.1 The applicant is required to submit with any application for grant or renewal of the licence the record of convictions, if any, obtained from the Police under the Subject Access provisions of Data Protection Act 1998.
- F1.2 The envelope containing the reply from the Police must be brought, unopened to the Tamworth Borough Council Offices at Marmion House, Lichfield Street, Tamworth and opened in the presence of a member of the licensing staff.
- F1.3 Should any record reveal unspent convictions involving drug offences, dishonesty, sexual offences or violence, and should the applicant wish the application to proceed, the circumstances will be reported to the Council's Licensing Committee for a decision on the application to be made. The applicant or personal representative of the applicant will be entitled to appear before the Committee and speak in support of the application.

Knowledge of Legislation

- F1.4 New applicants for operator's licences should, on interview, be able to demonstrate a knowledge of the legislation and the restrictions under which private hire vehicles must be operated.

Consent Requirements

- F1.5 The applicant should be able to show that either:
- a. Planning permission has been granted for the operating base

or

 - b. That having regard to the premises and the mode of operation that planning permission is not required

or

 - c. That a formal application has been submitted for planning permission. If a business is operated without the appropriate planning permission in defiance of any planning enforcement notice, then this would be regarded as evidence that the licensee should not be considered a fit and proper person to hold a licence for those premises, and refusal or revocation would ensue.

- d. If the operating premises specified in the application are owned by the Council, the permission of the department responsible for the letting or leasing of the property should be obtained prior to submission of the application

Duration of Licence

F1.16 Licences are issued for a period of five years.

Conditions to Private Hire Operators Licences

Change of Address

F1.17 The licensee shall notify the Council of any change of home or business address, within 7 days of any such change.

2

F1.18 Record of Bookings

F1.19 The licensee shall ensure that the following details of bookings shall be entered in a record book, or loose leaf file system or electronic system) prior to the commencement of the journey in respect of which the booking was made.

2

- a) Name of the hirer
- b) Time and date of hiring
- c) Pick up point
- d) Destination of passenger(s)
- e) Councils' licence plate number of the vehicle used for the booking.
- f) Council's identification badge number of driver undertaking the booking
- g) If at the time of booking a quotation has been given for the fare to be charged, the amount of that quotation.

Record of Vehicles

F1.20 The licensee shall ensure that the following details be recorded for each vehicle operated:

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- a) Vehicle registration mark
- b) Council's licence plate number
- c) Name and address of proprietor of the vehicle.
- d) Date of expiry of the Private Hire or Hackney Carriage licence.
- e) Expiry date of the insurance certificate or cover note for the vehicle together with details of the type of cover provided ie for public or private hire.

Record of Drivers		
F1.21	The licensee shall ensure that the following details be recorded for each driver used in connection with the business: <ul style="list-style-type: none"> a) The driver's name b) The driver's Council identification badge number c) The date of expiry of the driver's Hackney Carriage or Private Hire driver's licence issued by the Council. 	2
Complaints Register		
F1.22	The licensee shall ensure that a complaints record book be kept in which are recorded the following details: <ul style="list-style-type: none"> a) Date of complaint b) Date and time of incident complained of c) Name and, if known, address of complainant d) Nature of complaint e) Licence number of vehicle if subject of complaint f) Licence number of driver if subject of complaint g) Any action taken by the operator in respect of the complaint 	2
F1.23	All records required to be kept by conditions 2,3,4 and 5 above shall be made available for inspection by any authorised officer of the Council or any police constable and, if not immediately available for inspection at the operator's premises must, within 72 hours of the making of such a request, be produced for inspection.	3
F1.24	The licensee must ensure, that when bookings are accepted and a pick-up or response time given to a hirer, that the appropriate vehicle be despatched to fulfil that booking so as to arrive punctually unless such vehicle is delayed due to unforeseen circumstances beyond the control of the operator.	2
F1.25	Any lost property returned to the operator shall, if it cannot be returned to it's rightful owner within 48 hours, be handed over to the Tamworth Police at Tamworth Police Station, Spinning School Lane, Tamworth.	
F1.26	The licensee shall ensure that any waiting/booking rooms provided for customers are kept clean and in good repair.	2
F1.27	The licensee, if convicted of any offence during the currency of the licence, must disclose any such conviction to the Council within 7 days of conviction. The disclosure must include the date of conviction, the Court	6

where the hearing took place, details of the offence and the penalty imposed.

F1.28 The licensee shall ensure that any records required to be kept in accordance with these conditions of licence are kept and made available for inspection for a minimum period of 6 months from the date of the last entry in the record book or file.

F1.29 The licensee shall retain a certified copy of the private hire driver's licence of any driver used about his business, for as long as that driver is so used and shall make such licences available for inspection at all reasonable times at the request of any authorised officer of the Council of any police constable.

F1.30 If an operator accrues 12 points in a 12 month period they will be put in front of committee for a hearing.

F1.31 An operator can appeal the awarding of any points by asking for a committee hearing.

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PLYING FOR HIRE

G1.0 Only licensed hackney carriages are permitted to ply for hire. It is **ILLEGAL** for a private hire vehicle to ply for hire. This means:

- a) Private hire vehicles **MUST NOT** carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
- b) All private hire vehicle journeys **MUST** be pre-booked through a licensed private hire operator.
- c) All bookings **MUST** be made by prospective passengers themselves directly with a private hire operator who will despatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager, to make a booking on their behalf but this third party **MUST NOT** be the private hire vehicle driver.
- d) A driver of a private hire vehicle is **NOT** permitted to make the booking on behalf of a prospective passenger.
- e) Private hire operators **MUST NOT** accept any booking made by a driver on behalf of a passenger.
- f) Private hire vehicle drivers are **NOT** permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers **MUST NOT** physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
- g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
- h) Private hire vehicles **MUST NOT** wait at any taxi rank/stand.
- i) Private hire vehicle **MUST NOT** be hailed in the street.

G1.1 Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

Introduction

- H1.1 The purpose of this appendix is to provide additional guidance to assist determine whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle drivers and/or an operator licence as it relates specifically to convictions and cautions.
- H1.2 The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing process by both the Council and the applicant.
- H1.3 The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.
- H1.4 Each case is to be decided on its own individual merits and, where the circumstances demand, the decision making body may depart from the guidance in which case the reasons for this will be made clear.

Legislation

- H1.5 Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 sets out that the Council must not grant a driver's licence or an operator's licence unless they are satisfied that the person is a **fit and proper person** to hold such a licence.
- H1.6 Sections 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a driver's licence if they have, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- H1.7 Sections 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew an operator's licence if they have committed any offence under, or failed to comply with, the provisions of Part II of the Act; where any conduct appears to render the operator unfit to hold a licence; any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or any other reasonable cause.
- H1.8 Therefore, 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, NOT the Council to demonstrate that they are not.

Defining a 'fit and proper person'

- H1.9 There is no legal definition as to what definitively constitutes a 'fit and proper person'.

However, because of the potentially vulnerability of the passengers that drivers and operators may come into contact with, e.g. elderly people, unaccompanied children, the disabled, those who may have consumed excessive quantities of alcohol, lone females and foreign visitors, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is fit and proper to hold a licence granted by the Council.

H1.10 In essence, a fit and proper person will be:

- Honesty and trustworthy - drivers and operators have, for example, access to a large amount of personal information that could be misused and significant opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars.
- Not abusive, violent or threatening – abusive, violent or threatening behaviour is not acceptable conduct on the part of a driver/operator even when they are subjected to unpleasant or dishonest passenger behaviour.
- A competent and safe driver - they are expected to be professional drivers and must be fully aware of all road traffic legislation, conditions attached to their driving licence, the safety of their passengers and the safety of their vehicles at all times; passengers rely on their driver to get them to their destination safely and using the most direct route, therefore, a good knowledge of the area that they are working in is also appropriate.
- Able to communicate effectively with passengers – in the main this means able to read, speak, write and understand English.
- In good physical and mental health – to ensure they do not put passengers at risk through, for example, suffering a heart attack whilst conveying passengers.

The Council's approach when considering convictions

H1.11 The disclosure of any convictions or cautions will not necessarily mean an applicant is not a fit and proper person and, therefore, automatically prevented from being issued a licence. However, the Council will have regard to all convictions, spent or live, and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- The extent of any mitigating factors.
- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Behaviour towards Council Officers.
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

H1.12 **AND** to guide the Council's consideration, the implications of the answer to the following question will also be applied:

- Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?

H1.13 If the Council has any doubts as to the fitness of an applicant/existing licenced driver, then an application must be refused or licence suspended/revoked until those doubts can be effectively allayed through the provision of further adequate evidence.

H1.14 If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing Committee for a decision as to whether the licence ought to be suspended until such an appeal is heard.

Patterns of behaviour

H1.15 A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence or to suspending and/or revoking an existing licence.

H1.16 A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence holder to be a fit and proper person to hold a licence and will give significant consideration to refusing to grant a licence or to suspending/revoking an existing licence.

Rehabilitation periods

H1.17 Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

H1.18 A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a fit and proper person to hold a licence. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

Table A

Sentence	Rehabilitation period (applies from the end date of the sentence, including any licence period)
Custodial sentence* of over 48 months, or	Never spent

a public protection sentence**	
Custodial sentence* of over 30 months and up to and including 48 months	7 years
Custodial sentence* of over 6 months and up to and including 30 months	4 years
Custodial sentence of 6 months or less	2 years
Community order	1 year

*Custodial sentence includes both an immediate custodial sentence and a suspended sentence.

**Public protection sentence means a sentence of imprisonment imposed for specified sexual and violent offences as set out in Schedule 15 of the Criminal Justice Act 2003. (Equivalent provisions of the Armed Forces Act 2006 are also applicable.)

Table B

Sentence	Rehabilitation period (applies from the date of conviction)
Endorsement for a road traffic offence imposed by the court or a FPN; or if a driving licence is revoked or refused on medical grounds by the DVLA (or other body responsible for issuing the driving licence)	5 years*
Penalty points for a road traffic offence	3 years
Driving disqualification**	when the disqualification ceases to have effect
Community order with no specified end date	2 years
Fine	1 year
Conditional discharge	Period of the order
Absolute discharge	None
Conditional caution	3 months or when the caution ceases to have effect if earlier
Simple caution	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full); individuals must obtain and retain proof of payment from the court
Binding over order; Attendance centre order; Hospital order (with or without a restriction order)	Period of the order

* Where a driving licence is revoked/refused on medical grounds by the DVLA (or other body), the Council will not grant a licence until medical proof of acceptable physical and mental fitness is provided.

**'Disqualified' – refers to the period of disqualification actually served in order to take account of the fact that a court may reduce the period of disqualification; an applicant must provide evidence to prove that the court agreed a reduction in the period of disqualification.

H1.19 Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new licence or revoke or suspend an existing licence until the applicant is in a position to satisfy them.

H1.20 The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/licence holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/licence holder in order to assist the Council to determine whether an applicant/existing licence holder is a fit and proper person or not. The rehabilitation periods will not be considered in isolation.

H1.21 The Council will not grant a licence to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.

Licensing offences

H1.22 In addition to the consideration of rehabilitation periods, where an existing licence holder is found guilty of hackney carriage or private hire related offences such as, but not restricted to, plying for hire, over-charging, refusing to carry disabled persons or multiple breaches of licence conditions, licence holders will be referred to the Licensing Panel and/or the Licensing and Safety Sub-committee with a view to determining whether the licence ought to be suspended and/or revoked.

H1.23 The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically be suspended for a period of 7 days and possibly face a Committee hearing. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.

H1.24 The points list is not exhaustive and the licencing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.

H1.25 A driver can appeal any points awarded by requesting a committee hearing.

Right of appeal

H1.26 Any applicant refused a driver's or operator's licence on the grounds that they are not a fit and proper person to hold such a licence, or who has had their licence suspended or revoked or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision.

Conclusion

H1.27 Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a hackney carriage or private hire driver's licence. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence. It is this Councils

policy to consider the protection of the public above all else by ensuring all licensed drivers are honest, will not be a threat to the public, in good health, are safe and competent drivers and are able to maintain their vehicles to a safe standard. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

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ADDITIONAL MEDICAL FITNESS GUIDANCE

11.0 The following conditions are a bar to the grant of a licence:

A. Epileptic Attack

Applicants must have been free of epileptic seizures for at least ten years and not have taken anti-epileptic medication during this ten year period.

B. Insulin Treated Diabetes

Applicants for a private hire or hackney carriage driver licence will be required to satisfy the Council that they meet the medical requirements which would allow a C1 (small lorry) Group 2 licence to be issued. If found to be suffering from Diabetes Mellitus, the applicant must provide a medical report from a hospital consultant specialising in diabetes confirming:

the applicant has been undergoing insulin treatment for over four (4) weeks;

during the 12 months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,

the applicant has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

they will comply with the directions for treatment given to him/her by the doctor supervising that treatment;

immediately report to the Council in writing, any change in diabetic condition; and

provide to the Council as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle during employment.

C. Eyesight

I. Applicants must be able to read in good daylight a number plate at 20.5 metres, (67 feet), and if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye; and visual acuity of a least 6/12 in the worst eye; and if these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60.

II. A licence will also be refused or revoked if an applicant has uncontrolled diplopia, (double vision), or does not have a normal binocular field of vision.

D. Other Medical Conditions

In addition to those medical conditions covered by legislation, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases:

- Within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty;
- A significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met;
- Suffering from or receiving medication for angina or heart failure;
- Hypertension where the BP is persistently 180 systolic or over, or 100 diastolic or over;
- A stroke or TIA within the last 12 months;
- Unexplained loss of consciousness within the past 5 years;
- Meniere's or other conditions causing disabling vertigo, within the past 1 year, and with a liability to reoccur;
- Recent severe head injury with serious continuing after effects, or major brain surgery;
- Parkinson's disease, multiple sclerosis or other 'chronic' neurological disorders likely to affect limb power or co-ordination;
- Suffering from psychotic illness in the past 3 years, or suffering from dementia;
- Alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years;
- Insuperable difficulty in communicating by telephone in an emergency;
- Any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle;
- If major psycho tropic or neuroleptic is being taken;
- Any malignant condition within the last 2 years likely to metastasise to brain or lung or malignant melanoma

INTENDED USE AND LICENSING OF HACKNEY CARRIAGES

Reasons for Policy

- J1.0 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].

Applications for the grant of a new hackney carriage licence

- J1.2 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the administrative area of Tamworth Borough Council under the terms of the licence for which application is being made.
- J1.3 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Tamworth Borough Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its individual merits.
- J1.4 Even where the applicant intends to ply for hire to a material extent in the administrative area of Tamworth Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Applications for the renewal of a hackney carriage licence

- J1.5 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the administrative area of Tamworth Borough Council under the terms of the licence for which application is being made.
- J1.6 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the administrative area of Tamworth Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government Miscellaneous Provisions Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- J1.7 Even where the applicant intends to ply for hire to a material extent in the administrative area of Tamworth Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Transfer of ownership – when a licensed vehicle is transferred from one person to another

- J1.8 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his interest to another must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register

the new proprietor: see R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd [1947] KB 583.

- J1.9 Provided requisite notice has been given in accordance with section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.
- J1.10 The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the administrative area of Tamworth Borough Council. In addition, where the transferee resides outside the administrative area of Tamworth Borough Council, the transferee will be required to keep records of all pickups on the Tamworth Borough Council approved record sheets and these records shall be made available for inspection upon request. Transferees should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information or to keep the records, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.
- J1.11 Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the administrative area of Tamworth Borough Council under the terms of the licence in respect of the vehicle being transferred.
- J1.12 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the administrative area of Tamworth Borough Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Tamworth Borough Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.
- J1.13 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court referred to in paragraph 1.0 above, unless precautionary steps are taken. The paragraphs in this section are intended to put the Council in a position to respond responsibly to the transfer of a Tamworth hackney carriage into the name of someone who operates outside the administrative area of Tamworth Borough Council or remotely from it.
- J1.14 Unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Tamworth Borough Council, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within the administrative area of Tamworth Borough Council, and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

Change of vehicle – when a proprietor replaces a licensed vehicle

J1.15 Applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the administrative area of Tamworth Borough Council will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent in the administrative area of Tamworth, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

Revocation of licence

J1.16 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the administrative area of Tamworth Borough Council but is subsequently found not to be plying for hire to a material extent in the administrative area of Tamworth Borough Council and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

Exceptional circumstances

J1.17 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire to a material extent within the administrative area of Tamworth Borough Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

- K1.0 Advertisements will not be permitted by Tamworth Borough Council if, in Tamworth Borough Council's reasonable opinion, the advertisement falls within any of the following categories:
- a. does not comply with the law or incites someone to break the law;
 - b. does not comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing;
 - c. is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference;
 - d. depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context (**NB** whilst the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable);
 - e. depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language;
 - f. relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours;
 - g. depicts direct or immediate violence to anyone shown in the advertisement;
 - h. condones or provokes anti-social behaviour;
 - i. contains images or messages, which relate to matters of public controversy and sensitivity;
 - j. refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Tamworth Borough Council;
 - k. contains negative references to Tamworth Borough Council's services or those services provided or regulated by other local authorities;
 - l. relates to a political party or parties or a political cause;
 - m. relates to or advertises alcohol or tobacco;
 - n. in the case of digital media, poses a health and safety risk as a result of flickering or other visual imagery

CONDITIONS APPLICABLE TO THE USE OF TRAILERS

- L1.1 The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
- L1.2 The licensed towing vehicle's insurance must cover the towing of a trailer.
- L1.3 Trailers must not be left unattended anywhere on the highway.
- L1.4 The speed restrictions applicable to trailers must be observed at all times.
- L1.5 A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- L1.6 The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- L1.7 The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
- L1.8 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.
- L1.9 Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.
- L1.10 An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate.
- L1.11 Un-braked trailers shall be less than 750 KGs gross weight.
- L1.12 Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- L1.13 The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- L1.14 A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
- L1.15 The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- L1.16 The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- L1.17 The maximum length for braked twin axle trailers is 5.54 metres.

L1.18 The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.

L1.19 The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

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DRESS CONDITIONS

M1.1 Drivers shall, as a minimum, wear a shirt or “T” shirt or blouse and tailored shorts (not denim), trousers, skirt. Denim jeans are acceptable as long as they meet all the other conditions.

M1.2 The shirt, “T” shirt or blouse shall cover the shoulders and be capable of being worn inside the shorts, trousers or skirt. Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button. “T” shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-

- a. Manufacturer and/or
- b. Operator/Proprietor and/or
- c. The name of the driver.

M1.3 “Tailored” In respect of shorts and trousers shall be defined as having a fly fastening. In respect of shorts, trousers and skirts be capable of being worn with a belt on the waist. In addition, shorts, trousers and skirts shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt tracksuits, denim shorts and denim jackets are not permitted.

M1.4 For safety reasons footwear for all female drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt mules or beach flip flops shall not be permitted.

M1.5 All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.

M1.6 Drivers shall not wear any item of clothing or apparel which exhibits any of the following:

- Sports teams of any description
- Offensive language
- References to drunkenness or the use of recreational drugs
- Anything racist, sexist, discriminatory or otherwise offensive
- Any advertising that does not conform to the relevant codes of advertising practice.

M1.7 To be clear examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

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DRIVERS POINTS TABLE

C1.5	The licensee may not employ to drive the licensed vehicle any person who does not have a current hackney carriage driver's licence issued by Tamworth Borough Council.	12	
C1.8	The proprietor shall not permit the vehicle to be used as a hackney carriage at any time whilst the licence is suspended or at any time whilst the vehicle's hackney licence plate is not displayed on the vehicle.	12	
E1.18	Executive vehicles: Alcoholic drinks provided in the vehicle shall be under the terms of any legislative requirements relating to the sale and supply of alcohol. No persons under 18 years of age shall be permitted to drink alcohol within the vehicle	12	
3a.54	Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes.	12	
3a.61	Drivers of hackney carriages must not charge more than is permitted under the current table of fares.	9	
3b.44	Fares Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.	9	
3b.45	Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.	9	
B1.9	The driver must convey passengers, subject to any instructions given by them, to their destination by the shortest practicable route and to ensure their safety.	9	
B1.20	The driver must not demand from the hirer a fare in excess of any fare previously agreed between the operator and the hirer, or if the vehicle is fitted with a taximeter and no previous agreement as to the fare, the fare shown on the face of the taximeter.	9	
C1.9	A proprietor who by prior arrangement with the hirer agrees to carry out any hiring for less than the rate of fare prescribed by the Council shall not demand more than the agreed fare.	9	
C1.10	If the proprietor agrees to carry a hirer a distance at the discretion of the proprietor, for a fixed sum, the proprietor is not permitted to carry the hirer for a distance less than the hirer should have been entitled to travel according to the rates prescribed by the Council, for the sum agreed.	9	
C1.11	Any proprietor convicted of taking from a hirer more than the rate of fare prescribed by the Council shall be liable to a penalty not exceeding level 3 on the standard scale.	9	
3a.53	Drivers must not unnecessarily prolong a journey, in distance or in time.	6	
3a.55	Once a vehicle is licensed is classed at licenced at all times. Only drivers who are licensed by Tamworth Council are permitted to drive vehicles that are licensed by this authority. The only exceptions to this are when the vehicle is undergoing a fitness test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.	6	

DRIVERS POINTS TABLE

3a.56	Touting: A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose.	6	
3a.57	Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at Appendix G and is based on relevant legislation and case law.	6	
3a.60	Refusing to convey passengers A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse.	6	
3a.62	Unauthorised drivers Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.	6	
3b.18 / 3c.13	With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for to the Council a fitness test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.	6	
B1 Page 284	In particular, during the currency of a licence, the driver must notify the Council, in writing, within 72 hours, if: They receive any warnings, cautions, fixed penalties or driving endorsements; Are arrested (whether or not charged with an offence); Are charged with any criminal offence; Are convicted of any criminal offence; or Allegations are made of their involvement in criminal activity.	6	
B1.6	It is the responsibility of a driver with a drivers licence to ensure they are correctly insured to drive the vehicle.	6	
B1.7	The driver MUST NOT allow any persons to drive a vehicle unless they are authorised to do so by the proprietor and hold an appropriate license to do so.	6	
B1.10	Assistance dogs (unless the driver holds a medical exemption) MUST be transported when requested by a passenger. Drivers MUST NOT impose a charge for carrying assistance dogs. Assistance dogs may be permitted to travel in the front of the vehicle.	6	
B1.14	The driver must not convey or permit to be conveyed in a licensed hackney carriage or private hire vehicle a greater number of passengers than the number prescribed in the relevant vehicle licence.	6	
B1.15	The driver of the licensed vehicle must only carry one person in the front of the vehicle beside the driver unless the vehicle has been specifically designed to carry more.	6	
B1.20	The driver must ensure: the meter is sufficiently illuminated so that when it is in use it is visible to all passengers; the meter is used for the whole of any journey; the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey; the meter is only brought into action at the commencement of the hirer's journey; and the correct tariff for that journey is displayed.	6	

DRIVERS POINTS TABLE

B1.24	A driver must not drive a licensed vehicle if he has reason to believe that the vehicle is in an unsafe, dangerous or illegal condition. He is advised to inform the operator or proprietor of the vehicle immediately of any defect arising in the vehicle whilst under his control.	6	
C1.24	The licensee shall notify the Council of any convictions under the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or the Road Traffic Acts in relation to Hackney Carriages or involving dishonesty. The notification which shall be in writing shall include: a. Date of Conviction b. Court where case heard c. Nature of Offence d. Penalty imposed and shall be given to the Council within 7 days of such conviction.	6	
D1.5	At no time, during the currency of the vehicle licence, is it permitted for the licence plates to be removed from the licensed vehicle.	6	
D1.20	Whilst the fitting of meters is not mandatory in private hire vehicles, if meters are fitted, then the following conditions apply: The driver must ensure: the meter is sufficiently illuminated so that when it is in use it is visible to all passengers; the meter is used for the whole of any journey; the fare or charge is calculated from the point at which the hirer commences the journey and does not exceed that displayed on the meter on the completion of such journey; the meter is only brought into action at the commencement of the hirer's journey; and the correct tariff for that journey is displayed.	6	
D1.28	The proprietor or where the proprietor is a partnership or a company, all partners or directors/company secretaries, as appropriate, during the period of the licence must, within 72 hours, disclose to the Council, in writing, if: They receive any warnings, cautions, fixed penalties or driving endorsements; Are arrested (whether or not charged with an offence); They receive any warnings, cautions, fixed penalties or driving endorsements; Are charged with any criminal offence; Are convicted of any criminal offence; or Allegations are made of their involvement in criminal activity.	6	
E1.4	Once a vehicle has been licenced as a Private Hire Executive Licence the vehicle can only be used for work of an Executive nature and not for day to day local usage. The proprietor must be able to produce, when requested by the Licensing Office, information on bookings taken. The Licensing Officer will have the right to remove the Executive Licence and revert it to a normal Private Hire Licence if booking information is supplied on request or it is not felt that at least 90% of work undertaken is of an executive nature.	6	
G1.0	Only licensed hackney carriages are permitted to ply for hire. A private hire vehicle can not ply for hire	6	
D1.27	The vehicle must have valid Road Tax throughout the licence period.	6	
3a.59	Smoking in vehicles Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes e-cigarettes and vaping and any similar paraphernalia.	4	
B1.7	The driver MUST NOT Smoke, use or permit passengers to smoke in their vehicle. This includes e-cigarettes and vaping and any similar paraphernalia.	4	

DRIVERS POINTS TABLE

3a.15 / B1.27	Except in exceptionally circumstances Driver licences will be issued for a period of three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licencing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.	3	
3a.50 / D1.9	Driver's badges and licences The second badge must be displayed in a prominent position within the vehicle to be seen by members of the public.	3	
3a.52	On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badge and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.	3	
3a.60	Refusing to convey passengers A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger with a reasonable excuse.	3	
3a.64	Unattended vehicles Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, where or in contravention to parking regulations.	3	on rank
3a.66	Obstruction Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.	3	
3b.31 / 3c.30	The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.	3	
3b.41 / 3c.32 / C1.15	Return of identification plate Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.	3	
3c.31	Production of documents The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.	3	
3c.34	A private hire vehicle must not wait on any rank/stand.	3	
3e.17	Executive Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer	3	
B1.7	The driver must not obstruct other drivers/vehicles from undertaking their normal hiring and driving activities.	3	
B1.13	The driver of a hackney carriage must ensure that the roof signs are maintained and kept in such condition that the information is clearly visible to public view at all times and that the light in the sign is connected to the meter switch such that the light is switched on when the hackney carriage is available for hire and switched off when the hackney carriage is not available for hire. Drivers will have 7 days to fix LED lights.	3	
B1.22	The driver must, if requested by a fare paying passenger, provide a written receipt for any fare paid.	3	

DRIVERS POINTS TABLE

B1.25	The driver must, notwithstanding their responsibilities under relevant road traffic legislation, report to the operator or proprietor any accident involving a hackney carriage or private hire vehicle under their control as soon as is practicable. However, where the vehicle has suffered accident damage that materially affects the performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the operator or proprietor within 72 hours.	3	
C1.16	The licensee shall notify the Council of any change of details of insurance cover for the vehicle during the currency of the licence.	3	
C1.17	The licensee shall produce to the Council evidence of renewal and continuity of insurance cover throughout the term of the licence.	3	
C1.18	All accidents in which the vehicle is involved of any nature, whether resulting in personal injury or damage to the licensed vehicle or not, shall be notified to the Council, on the accident report form provided on request by the Council, within 72 hours of such accident.	3	
C1.19	The licensed vehicle shall be fitted with the Council licence plate which is to be affixed to the rear of the vehicle at or above bumper height in a vertical plane at or as close to as is practicable the centre line of the vehicle. The plate shall not be in any way obscured by the fitting of a towing bracket, tow ball or any other equipment.	3	
D1.1	The rear external plate identifying the vehicle as a private hire vehicle as issued by the Council and required to be exhibited on the vehicle pursuant to Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 shall be: securely fixed to the outside of the vehicle in a conspicuous position; maintained, kept clean and in such a condition that the information on the plates is clearly visible to the public at all times; returned to the Council within 7 days of revocation or expiry (if not renewed) of the vehicle's licence; where the licence is suspended, be returned if required.	3	
D1.6	Any existing licence plates must be returned to the Council before new licence plates for a vehicle will be issued; this includes transfers.	3	
D1.22	All vehicles must display Council issued signs (side plates) on the upper portion of the rear driver door and the rear passenger door of the vehicle using the adhesive backed signs provided. These signs will carry the Council logo, PHV licence number and the words 'Prebooked Only'. The signs must be kept intact, clean and firmly attached to the vehicle doors as described above. The use of magnetic panels is prohibited. The removal of the signs is prohibited whilst the vehicle is licensed by Tamworth Borough Council. In the event that a side plate is lost it is the responsibility of the proprietor of the vehicle to notify the Council within 72 hours and to obtain a replacement sign.	3	
D1.23 / 3b.35	any change in the proprietor of a private hire vehicle or the proprietor's address must be notified to the Council, in writing, during the period of the licence within 7 days of such change taking place by the proprietor.	3	

DRIVERS POINTS TABLE

D1.25	Satisfactory evidence must be produced that there is in force, for the use of the vehicle, a policy of insurance covering the carriage of passengers for hire or reward or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.	3	
D1.26	The proprietor must ensure that at all times a list is maintained of all licensed drivers authorised under the policy to drive the vehicle and must make such a list available to an authorised officer of the Council or a police officer at all reasonable times, when so required.	3	
D1.29	Notification must be given by the proprietor to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence of any accident/damage to the vehicle that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein.	3	
D1.30	The proprietor must permit any authorised officer of the Council or any police officer, at all reasonable times, to inspect and examine the vehicle and to request driver identification and insurance details. A drivers badge, certificate of insurance and MOT must be produced either during the inspection/examination or to an officer of the Council or police officer within 5 days.	3	& sus
E1.19	A spare tyre, of an approved type only, and the appropriate tools to make the repair (or an approved repair kit) must be carried, or a contract be in place with a repairer / recovery company who can supply such parts immediately in the event of a flat tyre.	3	
E1.21	The licence plates must not be obstructed from view, inside or outside the vehicle, at any time.	3	
E1.22	The interior licence plate should be produced on demand by an authorised officer	3	
3a.40	The driver must, on request, produce for inspection their driver's licence forthwith or within 5 days to the Council's offices.	3	& sus
3b.40	Production of documents The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.	3	
B1.7	The driver MUST NOT Use offensive, abusive, profane or insulting language or behaviour	3	
B1.23	Drivers must not cause or suffer any vehicle plate to be concealed from public view whilst the vehicle is being used for hackney carriage or private hire purposes.	3	
C1.6	The licensee shall notify the Council of any change in address during the currency of the licence and shall return the licence to the Offices of the Council for endorsement with the new particulars of address.	3	
3a.50 / B1.6	Driver's badges and licences There are two badges issued. One must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible	2	
3a.62	Persons riding without consent Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.	2	
3a.64	Unattended vehicles Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, where or in contravention to parking regulations.	2	not on rank
3b.38	The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.	2	

DRIVERS POINTS TABLE

3c.27	Change of proprietor The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.	2	
3c.29	The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.	2	
3e.22	Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.	2	
B1.6	The driver must take all reasonable steps to assist passengers when they are entering or alighting from the vehicle.	2	
B1.6	The driver must when, having agreed or been hired to attend a specific location at an appointed time with their vehicle, unless delayed/prevented from doing so by some sufficient/reasonable cause, punctually attend at such appointed time and place.	2	
B1.6	The driver must show due consideration when driving through residential areas.	2	
B1.7	The driver must not without the express permission of the hirer, eat or drink in the vehicle. (Drivers are only permitted to eat or drink in a vehicle when the vehicle is stationary.)	2	
B1.7	The driver must not Cause or permit sound emitted from any radio/sound reproducing instrument or equipment in the vehicle to be an annoyance/nuisance to any person, whether inside or outside the vehicle.	2	
B1.7	The driver must not sound their vehicle's horn to alert passengers of the vehicle's arrival.	2	
B1.7	The driver must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.	2	
B1.7	The driver must not leave their vehicle unattended in any street or public place or venue in contravention to parking regulations.	2	
B1.8	When driving a hackney carriage or private hire vehicle, a driver must not carry any animal belonging to them, the proprietor or operator of the vehicle or in their custody whilst fare paying passengers are being conveyed in the vehicle.	2	
B1.11	Where a driver is exempt on medical grounds from carrying wheelchair bound passengers or assistance dogs, they must carry the Council issued letter confirming the exemption in the vehicle at all times. Exemption can only be granted by the authorised Medical Centre. The driver will also be issued an Exemption certificate by Tamworth Borough council that must be placed on the kerb side of the vehicle in a prominent position that can be seen by customers before entering the vehicle.	2	

DRIVERS POINTS TABLE

B1.12	The driver must notify the Council, in writing, of any change of particulars which may occur during the currency of their licence, including any change of address or change of employer/operator. Any such change must be notified within 14 days. Where a change of address occurs, the driver must also amend the address on their driving licence and produce their driving licence showing the new address to the Council within 7 days of receipt from the issuing body, e.g. DVLA. Both the paper and the plastic photo card licence must be produced.	2	
B1.18	Where drivers are driving in the Council's area, they must as soon as they have dropped passengers at their required destination and unless prevented from doing so by another booking, return to a suitably safe place to park.	2	
C1.12	The proprietor may not allow any person to ride in the carriage without the consent of the hirer.	2	
C1.23	The licensee shall not during the currency of the licence alter the specification, design or appearance of the vehicle without the prior consent of the Council's authorised officer.	2	
D1.7	The tariff card must be displayed in a prominent position so that it can be easily viewed by passengers.	2	
D1.28	No material alteration or change in the mechanical or structural specification, design, condition or appearance of the vehicle is permitted without the written approval of the Council.	2	
K1.	Advertisements that do not conform to Tamworth Borough Council standards.	2	
L1.	The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.	2	
M1.1	Not following dress conditions	2	
3b.34	Change of proprietor The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.	2	
B1.6	The driver must be clean and respectable in their dress and person and maintain a high standard of personal hygiene.	2	
B1.6	The driver must be courteous to passengers, e.g. greeting passengers and opening vehicle doors on behalf of passengers.	2	
B1.6	The driver must when requested to do so by a passenger, convey a reasonable amount of luggage and afford reasonable assistance in the loading and unloading of any luggage.	2	
C1.13	If the licensee transfers his interest in a licensed vehicle to another person he shall within 14 days give notice in writing of the transfer to the Council, specifying the name and address of the person to whom the vehicle has been transferred.	2	

OPERATOR POINTS TABLE

	If an operator accrues 12 points in a 12 month period they will be put in front of committee for a hearing.		
F1.17	The licensee shall notify the Council of any change of home or business address, within 7 days of any such change.	2	
F1.19	<p>The licensee shall ensure that the following details of bookings shall be entered in a record book, or loose leaf file system or electronic system) prior to the commencement of the journey in respect of which the booking was made.</p> <ul style="list-style-type: none"> a) Name of the hirer b) Time and date of hiring c) Pick up point d) Destination of passenger(s) e) Councils' licence plate number of the vehicle used for the booking. f) Council's identification badge number of driver undertaking the booking g) If at the time of booking a quotation has been given for the fare to be charged, the amount of that quotation. 	1	
F1.20 Page 291	<p>The licensee shall ensure that the following details be recorded for each vehicle operated:</p> <ul style="list-style-type: none"> a) Vehicle registration mark b) Council's licence plate number c) Name and address of proprietor of the vehicle. d) Date of expiry of the Private Hire or Hackney Carriage licence. e) Expiry date of the insurance certificate or cover note for the vehicle together with details of the type of cover provided ie for public or private hire. 	1	
F1.21	<p>The licensee shall ensure that the following details be recorded for each driver used in connection with the business:</p> <ul style="list-style-type: none"> a) The driver's name b) The driver's Council identification badge number c) The date of expiry of the driver's Hackney Carriage or Private Hire driver's licence issued by the Council. 	1	
F1.22	<p>The licensee shall ensure that a complaints record book be kept in which are recorded the following details:</p> <ul style="list-style-type: none"> a) Date of complaint b) Date and time of incident complained of c) Name and, if known, address of complainant d) Nature of complaint e) Licence number of vehicle if subject of complaint f) Licence number of driver if subject of complaint g) Any action taken by the operator in respect of the complaint 	1	

OPERATOR POINTS TABLE

F1.23	All records required to be kept by conditions shall be made available for inspection by any authorised officer of the Council or any police constable and, if not immediately available for inspection at the operator's premises must, within 72 hours of the making of such a request, be produced for inspection.	3	
F1.24	The licensee must ensure, that when bookings are accepted and a pick-up or response time given to a hirer, that the appropriate vehicle be despatched to fulfil that booking so as to arrive punctually unless such vehicle is delayed due to unforeseen circumstances beyond the control of the operator.	1	
F1.26	The licensee shall ensure that any waiting/booking rooms provided for customers are kept clean and in good repair.	1	
F1.27	The licensee, if convicted of any offence during the currency of the licence, must disclose any such conviction to the Council within 7 days of conviction. The disclosure must include the date of conviction, the Court where the hearing took place, details of the offence and the penalty imposed.	6	
F1.28	The licensee shall ensure that any records required to be kept in accordance with these conditions of licence are kept and made available for inspection for a minimum period of 6 months from the date of the last entry in the record book or file.	1	

Matrix of Changes – Taxi Licensing Policy

Page No	Current wording	New Wording
4/12		<p>Addition:-</p> <p>PART 1 – INTRODUCTION</p> <p>The Borough Council of Tamworth (“the Council”) is the licensing authority for the private hire and hackney carriage regime in the Borough of Tamworth.</p> <p>In carrying out its Taxi and Private Hire licensing function the Council seeks to promote the following objectives:</p> <ul style="list-style-type: none"> • Protection of the Public • Safety and health of drivers and the public; • High standards of vehicle safety, comfort and access; • Prevention of crime and disorder and the protection of the consumers; • Ensure that the decision making processes are transparent, and the resulting decisions are fair, proportionate and consistent; • Equality and accessibility in service provision. <p>The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.</p> <p>In addition, this Policy attempts to encompass the Councils vision:-</p> <p>‘Tamworth – celebrating our heritage, creating a better future’</p> <p>The Policy seeks to ensure that transport for those with a disability will be provided.</p> <p>The Policy adheres to statutory guidance issued in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 to protect</p>

		<p>children and vulnerable adults from harm when using taxi and private hire services.</p> <p>The main types of licence are:</p> <ol style="list-style-type: none">1. Dual Hackney Carriage and Private Hire Drivers' Licence - All drivers of Hackney Carriages and Private Hire Vehicles ('Drivers') must hold a Dual Hackney Carriage and Private Hire Drivers' Licence issued by the Borough Council of Tamworth;2. Private Hire Vehicle Licence - Private Hire Vehicles must be licensed by the Council, as must the Driver and the Private Hire Operator who is responsible for taking the bookings. All three licences must be issued by the same Council.3. Private Hire Operator Licence - Private Hire Operators must be licensed by the Council, as must the Drivers and Vehicles they operate.4. Hackney Carriage Vehicle Licence - Hackney Carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council. <p>The rules on Taxis and Private Hire Vehicles can be complex. This document is intended to make it clear how the Council operates its licensing service.</p> <p>Please note that the following vehicles are not required to be licensed:</p> <ul style="list-style-type: none">• vehicles owned by funeral directors wholly or mainly for the purpose of funerals• ambulances and voluntary vehicles• vehicles used solely for the purpose of weddings. <p>Addition:- Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport</p>
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	<p>Delete:</p> <p>1.0 Tamworth Borough Council ('the Council') is particularly concerned to ensure:</p> <ul style="list-style-type: none"> • the safeguarding of children, young persons and adults with care and support needs who are at risk of abuse and neglect; • that any person who applies to be a hackney carriage or private hire vehicle driver or operator is a fit and proper person and does not pose a threat (in any form) to the public; • that the public are safeguarded from dishonest persons; and • that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed. <p>1.1 This document provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:</p> <ul style="list-style-type: none"> • persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences; • persons who hold existing licences, including those that are the subject of review; • the Council, in its capacity as the licensing authority, including licensing officers, members of the 	<p>system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.</p> <p>Replace with:-</p> <p>The main concerns for the Council are to ensure:</p> <ul style="list-style-type: none"> • the safeguarding of children, young persons and adults at risk of abuse and neglect; • that in order to promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to Tamworth BC's Safeguarding Policy, and Appendix A for further information); • that any person who applies to be a hackney carriage or private hire vehicle, driver or operator is a fit and proper person and does not pose a threat (in any form) to the public. <p>The Council also use the phrase 'safe and suitable' in place of 'fit and proper' as an aid to interpret what is meant by it. The tests that the Council will use to determine whether an individual is considered fit and proper/safe and suitable to hold a licence are below:</p> <p>- For drivers: "Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone at any time of day or night?"</p>
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	<p>relevant licensing committees and the internal panel (or other relevant decision making bodies);</p> <ul style="list-style-type: none"> licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and magistrates and judges hearing appeals against Council decisions. <p>The Guidance is also designed to put the Council’s licensing requirements into context</p>	<p>- For private hire operators: “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”</p> <p>- For vehicle proprietors: “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”.</p> <ul style="list-style-type: none"> that the public are safeguarded from dishonest persons; that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed; and that the impact on the environment is reduced in line with European and national guidelines. <p>The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:</p> <ul style="list-style-type: none"> persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences; persons who hold existing licences, including those that are the subject of review;
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	<p>Delete:- This Guidance will be reviewed periodically, however, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will again be consulted. Any licensed driver, proprietor or operator may request a review of the policy at any time.</p> <p>Delete:- The operation of the Council’s licensing service is undertaken in accordance with relevant legislation and applicable licence conditions. The primary legislation relating to hackney carriage and private hire licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. In</p>	<ul style="list-style-type: none"> • the Council, in its capacity as the licensing authority, including licensing officers, members of the public protection committee; • service users who have concerns relating to an operator, vehicle or driver; <p>licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and</p> <ul style="list-style-type: none"> • Magistrates’ and judges hearing appeals against Council decisions. <p>The Policy is also designed to put the Council’s licensing requirements into context.</p> <p>Replace with:- The policy will be formally reviewed after 5 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted. Minor changes would be made without consultation where:</p> <ul style="list-style-type: none"> • they are to correct an administrative error • they are a change needed because something is no longer possible or legal • there is no foreseeable detrimental effect to licensee’s interests. <p>Replace with:- The operation of the Council’s licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators’ Code (BRDO 14/705 April 2014) and the Secretary of State for Transport</p>
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	<p>addition, the service is provided in accordance with all relevant Council policies, but in particular the following:</p> <ul style="list-style-type: none"> • Equal Opportunities Policy • Disability and Discrimination • Race Equality Scheme • Data Protection Policy • Enforcement Policy <p>This Guidance and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure all relevant health and safety at work provisions are satisfied.</p> <p>Delete:- Safeguarding Children and Adults at Risk 1.0 All local authorities, including district/borough councils in England, have a responsibility to safeguard and promote the welfare of children and adults with care and support</p> <p>needs who are at risk of abuse and neglect. Safeguarding children and adults who are at risk is everyone’s responsibility. Abuse is not acceptable and must not be tolerated. Often children and adults at risk do not realise they are a victim of abuse, or are unable to protect themselves from harm. This is why it is important that action is taken and people know what to do when they have safeguarding concerns. It is paramount that all individuals working either directly or indirectly with children and adults at risk have an understanding of safeguarding commensurate to their role, and know how to recognise and report safeguarding concerns, in relation to children and/or adults at risk. Tamworth Borough Council provides safeguarding awareness training for all</p>	<p>Statutory Taxi and Private Hire Vehicle Standards July 2020, and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.</p> <p>The primary legislation relating to hackney carriage and private hire licensing, at the time this policy comes into force, is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and may be subject to change with any new and/or amended legislation. This policy reflects the changes to hackney carriage and private hire licensing introduced by the Deregulation Act 2015 and Immigration Act 2016, and the provisions contained within the Equality Act 2010. It also encompasses provisions from other pieces of legislation such as (but not exclusively) the:</p> <ul style="list-style-type: none"> • Road Safety Act 2006 • Road Traffic Acts (Various) • Criminal Justice & Public Order Act 1994 • Transport Act 1985 <p>In addition, the service is provided in accordance with all relevant Council policies, but in particular the following which mirror the framework of policies which under section 177(4) of the Policing and Crime Act 2017 the authority must have regard to when exercising its licensing functions:</p> <ul style="list-style-type: none"> • Diversity & Equality Scheme • Information Security policy • Corporate Enforcement policy <p>The General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018 (“DPA18”) covers the collection, storage, processing and distribution of personal data. It</p>
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	<p>taxi drivers, the training includes information on recognising and responding to concerns in relation to child exploitation and trafficking (for further information please see Appendix A).</p>	<p>also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The principles state that the information shall be:</p> <ul style="list-style-type: none"> • used fairly, lawfully and transparently • used for specified, explicit purposes • used in a way that is adequate, relevant and limited to only what is necessary • accurate and, where necessary, kept up to date • kept for no longer than is necessary • handled in a way that ensures appropriate security, including protection against unlawful or • unauthorised processing, access, loss, destruction or damage <p>Further information about GDPR and DPA18 can be obtained at the Information Commissioner’s website (www.ico.gov.uk). Enquiries regarding the Council’s use of personal data should be addressed to the Councils Data Protection Officer at data-protection@tamworth.gov.uk</p> <p>The Policy and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure compliance with all relevant health and safety at work provisions. This is likely to impact on the health and safety requirements associated with</p>
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		<p>transporting passengers with disabilities, e.g. those who need to carry oxygen for medical purposes or those with assistance dogs. This may have implications on the extent of the discretion that drivers have to refuse to carry passengers with certain disabilities.</p> <p>Addition:- Our approach The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public. The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible</p> <p>Addition:- Public Register The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Councils Licensing team and where possible will be published on the Councils website</p>
7/15		<p>Addition: The Council aims to provide a clear, consistent and responsive service to prospective and current licence</p>

	<p>Delete:- Parties aggrieved by a decision of the Council have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.</p>	<p>holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the duty that the Council has to protect the safety and welfare of the public. All licence applications will be considered and determined on their own individual merits, but with regard to the statutory guidance regarding the protection of children and vulnerable adults who use taxi and private hire services.</p> <p>Addition:- Application/Renewal Decision Where the Council is minded to not approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken. Where an application is incomplete or does not meet the application criteria the Council will reject the application. This will be confirmed in writing.</p> <p>Replace with:- If the applicant/licence holder is aggrieved by the decision of the Council he/she may appeal to the relevant court (in most cases the Magistrates Court). The appeal needs to be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek</p>
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	<p>Delete: The Council aims to work in partnership when dealing with hackney carriage and private hire licensing issues. Such partnerships will include (but are not restricted to) relevant hackney carriage and private hire trade associations, neighbouring authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams and consumer groups.</p>	<p>appropriate independent legal advice in such circumstances.</p> <p>Replace with: The Council aims to work in partnership with other relevant agencies/bodies when dealing with hackney carriage and private hire licensing issues. Such partnerships will include, but are not restricted to, relevant hackney carriage and private hire trade associations, neighbouring local authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams, Safeguarding Partnerships and consumer groups.</p> <p>The Borough Council of Tamworth regularly meets and shares information with other enforcement authorities including Staffordshire Police and Staffordshire Trading Standards through the Tamworth Responsible Bodies Group (RBG) and Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG).</p> <p>The Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced in order to ensure protection of the public</p> <p>Where licensing staff do not consider that this policy is being correctly applied they are able to raise this for investigation, and remedial action if required, through the Council's internal whistleblowing procedure.</p>
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<p>9/17</p>	<p>All licence fees payable at the time of application are non-refundable;</p> <p>The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant’s control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further and the process must recommence from the beginning;</p> <p>Where a licence has lapsed been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;</p> <p>Deleted: The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and</p>	<p>All licence fees are payable at the time of application in full. Where a licence is not granted, i.e. the applicant withdraws their application a portion of the fees may be returned to the applicant. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;</p> <p>The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant’s control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.</p> <p>Where a licence has lapsed been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;</p> <p>Replaced with:- Disclosure & Barring Service (DBS) data and other relevant information The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and will retain a copy of the certificate in line with the Council’s data retention policy and data protection legislation.</p>
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	<p>certificate information. Further information about the DBS can be found on the GOV.UK website at https://www.gov.uk/government/organisations/disclosure-and-barring-service/about.</p> <p>Drivers who undertake contract work for Staffordshire County Council e.g. Education are advised to contact them in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. The Staffordshire County Council will share information with the Licensing Team about individuals and businesses that apply and/or tender to deliver passenger transport contracts.</p> <p>All drivers are encouraged to register for the DBS Update Service. Further information can be found at https://www.gov.uk/dbs-update-service. Any drivers who have registered for this service need to supply the last Certificate number during their application process</p>	<p>DBS certificates must be in the correct workforce (i.e. 'Other Workforce') and for the correct job role (i.e. Taxi Driver or Taxi Licensing). Further information about the DBS can be found at: https://www.gov.uk/government/organisations/disclosure-and-barringservice/about</p> <p>The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation provided:-</p> <ul style="list-style-type: none"> • It is for 'other workforce'; • It includes both of the Barring checks • It is for the same job role (Taxi Driver or Taxi Licensing) • It is presented to the Council for verification within 3 months of issue date of the certificate • the applicant has subscribed to the DBS Update Service; and • the applicant has authorised the Council to access the relevant online record <p>Further information can be found at: https://www.gov.uk/dbs-update-service</p> <p>The Council will make regular use of the DBS update service provided by the DBS and, where this shows changes to a licence holders record, a new DBS disclosure will be required. The licence holder is required to pay the appropriate fee before the new DBS disclosure application is submitted.</p> <p>Where an applicant has spent an extended period of time overseas and hence their DBS record is incomplete the authority will require an applicant for a licence to provide data on their criminal record or a Certificate of Good</p>
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		<p>they believe the individual presents a risk of harm to a child or vulnerable adult.</p> <p>The authority will also share information with other local licensing authorities regarding licences they refuse, suspend or revoke and with the national register maintained by the National Anti-Fraud Network known as the 'NR3' register.</p> <p>Addition:- unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.</p> <p>Addition:- Counter-Terrorism and Security Act 2015 The Council has a duty under the Counter-Terrorism and Security Act 2015 ("CTSA") to have due regard to the requirement to prevent people from being drawn into terrorism. The applicant/licence holder shall facilitate the Council's compliance with its duty pursuant to the CTSA and the applicant/licence holder shall have regard to the statutory guidance issued under section 29 of the CTSA and in particular to ensure that they:</p> <ul style="list-style-type: none">• understand what radicalisation means and why people may be vulnerable to being drawn into terrorism;• are aware of extremism and the relationship between extremism and terrorism;• know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extreme ideology that can be associated with it; and
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		<ul style="list-style-type: none">• obtain support for people who obtain support for people who may be exploited by radicalising influences. <p>Where the applicant/licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the applicant/licence holder must refer such person or activity to the police.</p> <p>For more information please see: https://www.gov.uk/government/publications/counter-terrorism-support-for-businesses-andcommunities https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses</p> <p>Addition:- Immigration Act 2016</p> <p>As of 1st December 2016 the Council are obliged to ensure that all drivers and operators have the right to work within the UK prior to issuing them a licence. All applicants will be treated in line with the government guidance that can be found here: https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks As part of the new/renewal application process the individual will have to provide the Council with ones of the documents listed in Annex A of the Government Guidance.</p>
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		Where an applicant cannot provide a current proof of their right to work in the UK then a licence will not be issued to them. Where an applicant has a time limited right to work in the UK then the Council will only issue a licence up until the expiry date of that document.
11/19	<p>Delete:- Licensed drivers provide a public service. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they are a fit and proper person.</p> <p>3a.5 In considering the fit and proper person test, all applicants on initial application and renewal must complete an enhanced Disclosure and Barring Service (DBS) check and undergo a medical examination. The Council may also make additional enquiries with Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.</p> <p>3a.6 With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may request the licence holder to consent to a further enhanced DBS check the cost of which lies with the licence holder. Where a licence holder refuses to consent to a further check the Council will take this into consideration in determining their continuing fitness to hold a licence.</p>	<p>Replace with:- The Licensing Authority has a duty to ensure that any person who is granted a drivers licence is 'fit and proper' to be hold a drivers licence. Once granted, they must remain a 'fit and proper' person for the duration of that licence.</p> <p>The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves: "Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"</p> <p>If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person. If, on the balance of probabilities, the answer is 'no' the individual should not hold a licence. An applicant or licence holder should not be 'given the benefit of doubt</p> <p>The fitness and propriety of a driver will be monitored / assessed, throughout the period that the licence is held, by</p>

	<p>3a.7 When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant’s criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct to Council Officers and also behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.</p> <p>3a.8 In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (as per Appendix M) and behaviour when in contact and dealing with other road users,</p> <p>pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.</p> <p>3a.9 It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire licensed work at the time</p>	<p>the Licensing Authority with assistance from Partner Agencies.</p> <p>All applicants/Licensees are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous cautions, convictions, warnings and reprimands, current investigations and pending criminal proceedings.</p> <p>The application and compliance procedures are designed to ensure high standards are maintained, monitored and non-compliance is appropriately enforced.</p> <p>Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount.</p> <p>The Council will use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked a taxi or PHV driver licence. It will record any cases within Tamworth Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate.</p> <p>In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is ‘fit and proper’ to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.</p> <p>In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:</p> <ul style="list-style-type: none"> • Criminality including cautions • Period of holding a driver’s licence • Number of endorsed driving licence penalty points • Right to work
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	<p>or whether they occurred during the drivers' own personal time.</p> <p>Delete: Criminal Record Disclosure</p> <p>Delete:- Except in exceptionally circumstances Driver licences will be issued for a period of three years. The driver will be informed at the start of the licence as to what checks are required during the 3 year period. It will be the responsibility of the drivers to carry out these checks on time and to ensure the information is provided to the Licensing Officer. If the driver does not complete these checks on time then the driver will be suspended until the check has been carried out.</p> <p>Delete:-</p>	<ul style="list-style-type: none"> • Medical fitness • Standard of driving / driving ability • General conduct / standards of behaviour (including online behaviour) • The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process). • The previous licensing history of existing / former licence holders (including honesty and integrity). • Theoretical knowledge of issues and matters related to the work of a licensed driver. <p>The Council may at any time request a DVLA check code from an applicant or licensed driver, in order to access DVLA records. The DVLA check code must be provided within 7 days of such a request.</p> <p>Replace with:- Disclosure & Barring Service Check</p> <p>Replace with:- Licences will be issued at a standard length of 3 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.</p> <p>Replace with:- The application form(s) must be fully completed and include all relevant information, supporting documentation</p>
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	<p>16 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (which includes the cost of the DBS check, unless applicants provide proof of online subscription to the DBS update service, and the initial knowledge test) is payable at the time the application is submitted.</p> <p>3a.17 All new applicants must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. The 1 year period is calculated from the date of issue of the full driving licence.</p> <p>3a.18 In addition, applicants must:</p> <ul style="list-style-type: none"> • Submit a completed application form • Pay the appropriate licence fee • Provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity • Have a satisfactory enhanced DBS report • Where applicable have a satisfactory report in respect of the enquiries made through Staffordshire (or other relevant force), other local authorities and any other 	<p>and payment of the appropriate fee. If any part of the application form is incomplete or relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information / documentation and will be informed that the application will not be accepted until such time as all required information/documentation is provided.</p> <p>The full fee for the licence is payable at the time the application is submitted.</p> <p>In addition to submitting the application form and fee an applicant must:</p> <ul style="list-style-type: none"> • Be over 21 years of age • Provide a full UK driving licence (or the European equivalent) that has been held for at least 1 years. • Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or be Registered with the DBS update service with a relevant up to date certificate. • Authorise the Council to access the relevant online record via the DBS update service; • Provide one (1) passport sized photograph • Provide evidence of their right to work in the UK in accordance with the Home Office requirements • Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices; • Pass the Council's knowledge test; • Pass CSE & Disability Equality Training approved by the Council
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	<p>organisation, agency or person that the Council has deemed appropriate to seek information from</p> <ul style="list-style-type: none"> • Pass the Council’s knowledge test • Provide a completed medical examination form (Group 2) <p>Delete:- Applicants can subscribe to the DBS Update Service, but proof of subscription reference number and the last DBS certificate number must be provided.</p>	<ul style="list-style-type: none"> • Undergo Group 2 medical examination and provide the medical certificate issued by • the Medical Practitioner • pass the practical driving standards assessment test • provide a DVLA online check code • provide a Tax check code <p>Replace with:- Applicants must subscribe to the DBS Update Service, but proof of subscription reference number and the last DBS certificate number must be provided. DBS certificate checks will be made every 6 months. Failure to subscribe to the update service will result in unnecessary additional fees.</p> <p>Insert:- conditions licensed drivers must adhere to</p>
<p>15/23</p>		<p>Insert:- All applicants for and holders of a Hackney Carriage & Private Hire Combined Drivers Licence will be required to have an annual check of their DVLA driver licence record.</p> <p>Insert:- Practical Driving Standards Assessment Test.</p> <p>The Council approved provider have been employed to carry out the practical driving assessment Test. Applicants are required to pass an assessment before a licence is issued. Acceptable Photographic identification is required before the test can be commenced.</p>

		<p>Applicants who fail the Practical Driving Assessment Test will be allowed to re-do the assessment. All re-tests will be charged in accordance with the fees set by the Council and are nonrefundable in the event of failure.</p> <p>No refund will be provided for any cancellations with less than 24 hours' notice in writing.</p> <p>If applicants fail three successive Practical Driving Assessment they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests</p> <p>A third failure may lead to the application being refused on the grounds that the applicant does not have the required skills to deal with the public in the role of a Combined Hackney Carriage and Private Hire driver. At this point of the application only the grant fee will be refunded.</p>
17/25	<p>Delete:-</p> <p>On renewal of an existing licence, applicants must:</p> <ul style="list-style-type: none"> • Submit a completed application form • Pay the appropriate licence fee • Currently on all applications the applicant's must provide a passport sized photograph countersigned in accordance with passport rules to prove the applicant's identity • Complete a DBS disclosure – or provide proof of registration to the DBS Update Service • Where required, pass a Group 2 medical examination. 	<p>Replace with:-</p> <p>On renewal of an existing licence, applicants must:</p> <ul style="list-style-type: none"> • Submit a completed application form • Pay the appropriate fee • Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or be Registered with the DBS update service with a relevant up to date certificate. • Authorise the Council to access the relevant online record via the DBS update service; • Provide evidence of their right to work in the UK in accordance with the Home Office requirements • Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;

	<ul style="list-style-type: none"> The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence 	<ul style="list-style-type: none"> Pass CSE & Disability Equality Training approved by the Council Undergo Group 2 medical examination and provide the medical certificate issued by the Medical Practitioner if required provide a DVLA online check code provide a Tax check code
18/26		Updated seatbelt responsibilities
20/28	<p>Delete:- Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>3b.2 Commonly known as ‘taxis’, hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street in the administrative area of the Council with which it is licensed and may also undertake pre-booked journeys anywhere in the country.</p> <p>3b.3 The Council does not limit the number of hackney carriage licences that it will issue. 3b.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.</p> <p>3b.5 All hackney carriages must be capable of providing for at least one wheelchair.</p> <p>Transitional arrangements set out at paragraph 3b.7 apply.</p>	<p>Replace with:- Summary Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Commonly known as ‘taxis’, hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street when within the administrative area of the council with which it is licensed. Hackney carriages may also undertake pre-booked journeys anywhere in the country.</p> <p>All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.</p> <p>All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.</p> <p>Section 167 of the Equality Act 2010 requires Local Authorities to maintain and publish a list of all designated Wheelchair Accessible taxis and Private Hire Vehicles. The duties on drivers apply to drivers of vehicles in this list include:</p> <p>(a) to carry the passenger;</p>

	<p>Delete:- Applicant 3b.10 The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement.</p>	<p>(b) To carry their wheelchair/mobility aids (c) not to make, or propose to make, any charge for carrying out these duties; (d) to take reasonable steps to carry the passenger in safety and reasonable comfort; (e) to provide reasonable mobility assistance</p> <p>The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle. The Council does not limit the number of hackney carriage vehicle licences that it will issue.</p>
21/29	<p>Delete:- Vehicles 3b.11 The Council requires all hackney carriage vehicles to comply with the following requirements: Safety 3b.12 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and</p>	<p>Replace with:- Vehicle Specifications Upon first application all vehicles must be a purpose built hackney carriage or wheelchair accessible, or converted to conform with European type approval, and be less than 12 years old. Vehicles up to 4 years old will require an annual fitness test and twice per year for vehicles over 4 years old. The following upper age limits apply:</p> <ul style="list-style-type: none"> • No vehicle licence will be renewed on any vehicle that is of 12 years of age. • There will be no upper age limit on Electric /hybrid vehicles. <p>Licence applications for vehicles in “exceptional condition” which are outside of the Council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the</p>

	<p>be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council’s fitness test.</p> <p>Other Requirements</p> <p>3b.13 Vehicles must not seat more than eight passengers (not including the driver). Any alterations to the manufacturer seating configuration must be inspected and certified by DVSA and:</p> <p>(a) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels</p> <p>(b) Provide sufficient means by which any person in the carriage may communicate with the driver.</p> <p>(c) Entire external bodywork of the vehicle must be of a uniform colour. (This does not prohibit the display of advertisements as authorised by the Council.</p> <p>(d) All paintwork must be maintained in a high gloss finish of a uniform colour (but note the specific requirement at ‘c’ above) and free from dents, scratches or rust.</p> <p>(e) Have a watertight roof or covering.</p>	<p>vehicle be checked by the Licensing Team in order to assess if it meets the require standard. This vehicle check must be completed at least a month before the licence plate expires. The compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration.</p> <p>Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:</p> <p>b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless licensed at the implementation of this policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;</p> <p>d) Vehicles presented to be licensed as a Hackney Carriage for the first time must be wheelchair accessible. They may be purpose built ‘London-type’ taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).</p> <p>e) Be fitted with a taximeter, calibrated to the Borough Council’s approved tariff</p> <p>f) Be fitted with an illuminated roof sign</p> <p>g) Provide sufficient means by which any person in the carriage may communicate with the driver;</p> <p>h) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;</p>
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	<p>(f) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing.</p> <p>(g) Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended.</p> <p>(h) Have seats that are properly cushioned and covered.</p> <p>(i) Have a floor provided with a proper carpet, mat, or other suitable covering.</p> <p>(j) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service.</p> <p>(k) Provide means for securing luggage if the carriage is so constructed as to carry luggage.</p> <p>(l) All seats must have unobstructed access:-</p> <p>(m) Have a three point seatbelt as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended)</p> <p>(n) Have a minimum of four passenger doors including an entry/exit point for the driver if a vehicle other than a taxi approved to the specifications of the Public Carriage Office.</p>	<p>i) Have a watertight roof or covering;</p> <p>j) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;</p> <p>k) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted;</p> <p>l) Have seats that are properly cushioned and covered;</p> <p>m) Have a floor provided with a proper carpet, mat, or other suitable covering;</p> <p>n) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;</p> <p>o) Provide means for securing luggage if the carriage is so constructed as to carry luggage:</p> <p>p) Be fitted with an anti-lock braking system</p> <p>q) Where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), the seat must:-</p> <ul style="list-style-type: none"> • be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage); • be designed for use by an adult; • have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). <p>r) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:</p> <p>s) Be maintained in a sound mechanical and structural condition at all times;</p>
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	<p>(o) Be maintained in a sound mechanical and structural condition at all times.</p> <p>(p) Have a spare pneumatic tyre or suitable manufacturers repair kits. Where tyres, including the spare must comply with the vehicle manufacturer’s specification and any relevant legislation.</p> <p>(q) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.</p> <p>(r) Have provision for the legal transportation of a minimum of one wheelchair at all times.</p>	<p>t) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer’s specification and any relevant legislation;</p> <p>u) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.</p> <p>v) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes</p> <p>w) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.</p> <p>x) Electric vehicles that are fitted with a range extension device are permitted, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.</p> <p>Vehicles must be able to accommodate at least one wheelchair using passenger.</p> <p>Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and</p>
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		<p>use the anchoring equipment with the minimum of manoeuvring.</p> <p>Wheelchairs can be loaded from either the side or the rear of the vehicle</p> <p>A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.</p> <p>A suitable restraint must be available to the occupant of the wheelchair.</p> <p>A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.</p> <p>Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.</p>
<p>22/20</p>	<p>Delete:- Application process The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the</p>	<p>Replace With:- Application and Supporting Documentation The application process to licence a hackney carriage vehicle is the same for a new or renewal application. The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the</p>

	<p>information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.</p> <p>3b.15 The application process to licence a hackney carriage vehicle is the same for a new or renewal application.</p> <p>3b.16 Any person wishing to licence a hackney carriage vehicle must submit:</p> <ul style="list-style-type: none"> • a completed application form; • the appropriate licence fee; • a valid Certificate of fitness • a valid certificate of insurance for public hire • all vehicles must have current Vehicle Excise Duty (Road Tax) this can be checked online • the V5 registration certificate • the vehicle is fitted with a taximeter in accordance with the requirements 	<p>application will not be accepted until such time as all the information/documentation is provided.</p> <p>The full fee for the licence is payable at the time the application is submitted.</p> <p>Any person wishing to licence a hackney carriage vehicle must submit:</p> <ol style="list-style-type: none"> a) A completed application form; b) A Basic, Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions'; d) the appropriate licence fee (in full at the time of application); e) a current vehicle fitness/garage test pass certificate (from the Council's Garage); h) a valid certificate of insurance for public hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours. g) the V5 registration certificate g) a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent). Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the
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		<p>ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks every 6 months in accordance with these Regulations.);</p> <p>Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non mechanical ramps is being maintained by the vehicle proprietor.); and</p> <p>Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.</p> <p>Once all of the information has been provided it may take up to 10 working days to issue the licence.</p>
23/31	<p>Delete:- Fitness tests are required in accordance with the following requirements:</p> <ul style="list-style-type: none"> • Vehicles must be submitted for a fitness test in accordance with Tamworth borough Council's testing policy at intervals (and any other inspection deemed necessary by an authorised officer). • Vehicles are tested every 6mnths when under 4years of age, and at 4 monthly intervals when over 4 years of age. • Fitness tests must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing 	<p>Replace with:- The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.</p> <p>Testing of all vehicles takes place at the Council's nominated Garage.</p> <p>The frequency of testing is once per year for vehicles up to 4 years old and twice per year for vehicles over 4 years old. Vehicles can be presented for test up to 8 weeks prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period.</p>

	<p>Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator.</p> <ul style="list-style-type: none"> • The vehicle must have a valid fitness test throughout the licence period. • It is the responsibility of the proprietor to ensure the fitness test is carried out on time. <p>No reminders will be sent out but the due date is written on the pass certificate issued.</p>	<p>All costs of the test are to be made by the vehicle proprietor. It is the proprietor’s responsibility to organise the testing of the vehicle before the existing plate expires.</p> <p>Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted. Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.</p>
<p>25/33</p>		<p>Inserted:- If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. For further information: https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand</p> <p>Inserted:- Electric and Zero Emission Capable Vehicles</p> <p>The Council encourages and promotes the purchase of fully electric and zero emission capable vehicles to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of ‘plug-in’ points around the Borough which will be available for vehicle proprietors to</p>

		use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.
27/35		Updated seatbelt responsibilities
28/36		<p>Insert:- Parking/waiting Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.</p> <p>The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.</p>
29/37		<p>Insert:- All private hire vehicles shall be capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.</p> <p>Section 167 of the Equality Act 2010 requires Local Authorities to maintain and publish a list of all designated Wheelchair Accessible taxis and Private Hire Vehicles. The</p>

	<p>Delete:- Applicant The applicant for a vehicle licence must be the person who is the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement.</p> <p>Delete:- Vehicles 3c.7 The Council requires private hire vehicles to comply with the following requirements:</p> <p>Safety 3c.8 Every new type of taxi must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980, the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984, the Motor Vehicles (EC Type Approval) Regulations 1998 and with any</p>	<p>duties on drivers apply to drivers of vehicles in this list include: (a) to carry the passenger; (b) To carry their wheelchair/mobility aids (c) not to make, or propose to make, any charge for carrying out these duties; (d) to take reasonable steps to carry the passenger in safety and reasonable comfort; (e) to provide reasonable mobility assistance</p> <p>Replace with:- Vehicle Specifications Upon first application all vehicles be less than 10 years old. Vehicles up to 4 years old will require an annual fitness test and twice per year for vehicles over 4 years old.</p> <p>The following upper age limits apply: • No vehicle licence will be renewed on any vehicle that is of 10 years of age. • There will be no upper age limit on Electric /hybrid vehicles. Licence applications for vehicles in “exceptional condition” which are outside of the Council’s policy, for example by</p>
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	<p>further national or international legislation as may be applicable. They must also comply in use with the Road Vehicles (Construction and Use) Regulations 1986 (C & U). Every new type of taxi offered for approval must comply in all respects with British and European vehicle regulations and be “type approved” to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended. Those taxis which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Each vehicle must also have passed the Council’s fitness test.</p> <p>Other Requirements 3c.9 Vehicles must not seat more than eight passengers (not including the driver) and:</p> <ul style="list-style-type: none"> • Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels; • Provide sufficient means by which any person in the carriage may communicate with the driver; • All paintwork must be maintained in a high gloss finish of a uniform colour and free from dents, scratches or rust; • Have a watertight roof or covering; 	<p>age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the require standard. This vehicle check must be completed at least a month before the licence plate expires. The compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration.</p> <ol style="list-style-type: none"> 1. Vehicles must not seat less than 4 or more than eight passengers (not including the driver) and: 2. Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will be considered subject to paragraph (e) below; 3. It must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage 4. To be licensed for Private Hire the vehicle must have uniform coloured paintwork. 5. The Council encourages vehicles presented to be licensed for Private Hire for the first time to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate
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	<ul style="list-style-type: none"> • Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing. • Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder’s specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986 as amended. • Have seats that are properly cushioned and covered; • Have a floor provided with a proper carpet, mat, or other suitable covering. • Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service. • Provide means for securing luggage if the carriage is so constructed as to carry luggage; <ul style="list-style-type: none"> • All seats must have unobstructed access:- • All seats must have a three point seatbelt • Have a minimum of four passenger doors including an entry/exit point for the driver. • Be maintained in a sound mechanical and structural condition at all times. • Have a spare pneumatic tyre, or manufacturers repair kit. All tyres, including the spare must comply with 	<p>to prove the conversion has been carried out to the required standard (European-wide type approval).</p> <ol style="list-style-type: none"> 6. Provide sufficient means by which any person in the carriage may communicate with the driver; 7. All paintwork must be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle. 8. Have a watertight roof or covering; 9. Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing; 10. Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted; 11. Have seats that are properly cushioned and covered; 12. Have a floor provided with a proper carpet, mat, or other suitable covering; 13. Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service; 14. Provide means for securing luggage if the carriage is so constructed as to carry luggage: 15. Be fitted with an anti-lock braking system 16. Where tilting passenger seats are fitted (except where these are part of the manufacturer’s original vehicle specification), the seat must:- <ul style="list-style-type: none"> • be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage); • be designed for use by an adult;
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	<p>the vehicle manufacturer’s specification and any relevant legislation.</p> <ul style="list-style-type: none"> • Be maintained in a clean and safe condition at all times from both exterior and interior perspectives. • provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; • Provide and maintain in the vehicle a suitable first aid box the contents of which must be as follows: The box must be carried in such a position as to be readily visible and available for immediate use. 	<ul style="list-style-type: none"> • have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). <p>17. Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:</p> <p>18. Be maintained in a sound mechanical and structural condition at all times;</p> <p>19. Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer’s specification and any relevant legislation;</p> <p>20. Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.</p> <p>21. Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes</p> <p>22. Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.</p> <p>23. Electric vehicles that are fitted with a range extension device are acceptable, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.</p>
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		<p>Wheelchair Accessible Vehicles</p> <p>24. Vehicles must be able to accommodate at least one wheelchair using passenger.</p> <p>25. Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.</p> <p>26. Wheelchairs can be loaded from either the side or the rear of the vehicle</p> <p>27. A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.</p> <p>28. A suitable restraint must be available to the occupant of the wheelchair.</p> <p>29. A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.</p> <p>30. Any lifting device fitted must be regularly tested in accordance with any applicable health and</p>
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		safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.
31/39	<p>Delete:- Application process</p> <p>3c.10 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.</p> <p>3c.11 The application process to licence a private hire vehicle is the same for a new or renewal application.</p> <p>3c.12 Any person wishing to licence a private hire vehicle must submit:</p> <ul style="list-style-type: none"> • a completed application form; • the appropriate licence fee; • a valid fitness test (in accordance with the requirements set out at paragraph 3c.13 below); • a valid certificate of insurance for private hire • Evidence that appropriate Vehicle Excise Duty (Road Tax) has been paid, e.g. email confirmation from the DVLA or Post Office receipt; (which can be checked online) • the V5 registration certificate. (The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's 	<p>Replace with:- Application and Supporting Documentation</p> <p>The application process to licence a hackney carriage vehicle is the same for a new or renewal application.</p> <p>The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided.</p> <p>Any person wishing to licence a Private Hire vehicle must submit:</p> <ol style="list-style-type: none"> a) A completed application form; b) A Basic, Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions'; d) the appropriate licence fee (in full at the time of application);

	<p>name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.)</p> <ul style="list-style-type: none"> evidence of compliance with the relevant European Emission Standards as set out in paragraph 3C.8 either at the point of vehicle construction or by a subsequent adaption or conversion approved by the Council - the compliance must be relevant to the engine installed in the vehicle and this must be reflected in the V5 registration certificate; and 	<p>e) a current vehicle fitness/garage test pass certificate (from the Council’s Garage);</p> <p>h) a valid certificate of insurance for private hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.</p> <p>g) the V5 registration certificate</p> <p>h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).</p> <p>Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks every 6 months in accordance with these Regulations.);</p> <p>Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non mechanical ramps is being maintained by the vehicle proprietor.); and</p> <p>Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.</p>
32/40	Delete:-	Replace with:-

	<p>Fitness test are required in accordance with the following requirements:</p> <ul style="list-style-type: none"> • Vehicles must be submitted for an fitness test in accordance with Tamworth borough Council’s testing policy at intervals (and any other inspection deemed necessary by an authorised officer). • Vehicles are tested every 6mnths when under 4years of age, and at 4 monthly intervals when over 4 years of age. • Fitness tests must be undertaken by a ‘Nominated Tester’ or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988 and the Motor Vehicles Test Regulations 1981; the cost of all tests must be met by the vehicle operator. • The vehicle must have a valid fitness test throughout the licence period. • It is the responsibility of the proprietor to ensure the fitness test is carried out on time. No reminders will be sent out but the due date is written on the pass certificate issued. • If a vehicle fails its fitness test the licence will be suspended from the expiry date of its previous fitness test. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked. 	<p>The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and ‘fit’ to be licensed.</p> <p>Testing of all vehicles takes place at the Council’s nominated Garage.</p> <p>The frequency of testing is once per year for vehicles up to 4 years old and twice per year for vehicles over 4 years old. Vehicles can be presented for test up to 8 weeks prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period.</p> <p>All costs of the test are to be made by the vehicle proprietor. It is the proprietor’s responsibility to organise the testing of the vehicle before the existing plate expires.</p> <p>Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted. Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.</p>
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	<ul style="list-style-type: none"> With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked. 	<ul style="list-style-type: none"> If a vehicle fails its fitness test the licence will be suspended. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked. With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked
33/41		<p>Insert:-</p> <p>. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. For further information: https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand</p>
34/42		<p>Insert:-</p> <p>Electric and Zero Emission Capable/Hybrid Vehicles The Council encourages and promotes the purchase of fully electric and zero emission capable or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of 'plug-in' points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.</p>

		<p>Addition:- Change of address</p> <p>The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.</p> <p>Retention of drivers licences</p> <p>Where a Private Hire is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)</p>
35/43		<p>Updated seatbelt responsibilities</p> <p>Added:- It is an offence to do so and may result in enforcement action being taken against the driver.</p>

		<p>Added:- Parking/waiting</p> <p>Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.</p> <p>The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.</p>
<p>36/44</p>	<p>Delete:- 3d. Private Hire Executive vehicles 3d.1 The Council will consider requests to licence a vehicle for Private Hire Vehicle Executive Plating. This is a licence that will allow for discreet plating but can only be used for trips of an executive nature and not for general private hire use.</p> <p>3d.2 Vehicles must be pre-approved by an authorised officer and must be such, in the opinion of the licensing officer, of such quality and character to be considered an executive vehicle.</p>	<p>Replace with:- Private Hire Vehicle Exemption Certificates The Local Government (Miscellaneous provisions) Act 1976 requires that a District must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate or disc as directed by the Council.</p> <p>The Local Government (Miscellaneous provisions) Act 1976 s75 (3) gives the District Council the discretion to grant a proprietor an exemption from displaying the licence plate on their private hire vehicle.</p>

	<p>3d.3 The applicable conditions relevant to a private hire vehicle licence are set out at Appendix E. These conditions are in addition to any matters set out within the main body of the Policy.</p>	<p>Executive hire vehicles are private hire vehicles with an additional application to be made for an exemption to display the licence plate and side identification stickers. They are high value, prestige vehicles that are used by companies for transporting special guests or senior members of staff in luxury. Executive hire vehicles are styled more as chauffeur driven vehicles than standard private hire vehicles.</p> <p>Each application for an executive hire vehicle will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licenced vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.</p> <p>Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor to the authority.</p> <p>In determining an application it will normally be the executive nature of the work that will indicate whether or not the exemption should be granted, as well as the specification and high quality of the vehicle being used.</p> <p>If the applicant for an executive Hire Vehicle has ever been cautioned or convicted by any authority of unlawfully plying for hire, the council may refuse to allow the applicant to have a vehicle licensed for executive hire.</p> <p>Separate conditions apply to Executive Hire Vehicles with the exemption to display the vehicle plate. These are set out in Appendix E.</p>
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		<p>Executive Hire Vehicles should have the following features as a minimum in order to be considered for licensing, this list is not exhaustive:-</p> <ul style="list-style-type: none">• High quality vehicle in terms of brand and condition, with no visible defects, dents or blemishes to the external bodywork or trim• Luxury or prestige vehicle• Engine size of 2000cc or greater• Automatic transmission• Minimum specification of air conditioning/climate control to front and rear seats, all electric windows, central locking and suitable front and rear headrests for all passengers. <p>Executive hire vehicles are to be used for purposes such as corporate bookings to transport employees and clients on business related journeys, and bookings where customers have asked to book a vehicle without obvious private hire plates or signage. The Council closely monitors the use of executive hire vehicle, such vehicles are not to be used as standard private hire vehicles.</p> <p>On the grant of an executive hire licence the council will issue an executive hire window badge for display in the front and rear window.</p> <p>The drivers of executive hire vehicles are exempted from the requirement to wear a drivers badge. However the Council would expect the badge to be carried in the vehicle and to be available for 72 inspection by an authorised officer of the council or a police officer.</p> <p>Added:-</p>
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		<p>Limousines, Novelty Vehicles and Vintage Vehicles</p> <p>For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding, eight passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).</p> <p>Limousines will be licensed by the Council however, the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out in Appendix G. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may submit an application for a Private Hire Vehicle Exemption Certificate.</p> <p>The following documentation must be produced prior to licensing:</p> <ul style="list-style-type: none">a. Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.b. Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
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		<p>c. Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)</p> <p>In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with by a case by case basis and referred to the Council's Sub-Committee for determination</p>
37/45	<p>Delete:- Operator licences will be issued for a period of 5 years.</p>	<p>Replace with:- Licences will be issued at a standard length of 5 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis in accordance with the Statutory Taxi & Private Hire Vehicle Standards.</p> <p>Insert:- A check of the Companies House register may be undertaken to confirm these details;</p> <ul style="list-style-type: none"> • Tax check code • Proof of Right to Work • a basic DBS certificate issued within the last 3 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); for each director, partner and company secretary; • Relevant insurance documentation

	<p>Delete:- Have a satisfactory enhanced DBS check</p>	<ul style="list-style-type: none">• a schedule of all employees indicating those staff who take bookings and dispatching vehicles;• details of their policy regarding the employment of ex-offenders <p>The schedule of employees must be kept up to date with any changes notified in writing to the licensing authority.</p> <p>Any changes of director, partner or company secretary must also be notified in writing to the Licensing Authority</p> <p>Insert:- The applicant must also prove that all employees that work for them and who take bookings, dispatch vehicles, or have access to booking records are fit and proper people to be employed in such positions. They must provide evidence that they have seen a basic DBS for such employees who are not Tamworth Borough Council licensed drivers and also evidence that it is a condition of their employment that they will inform the employer of any criminal convictions they receive during their employment.</p> <p>Replace with:- Where the applicant or employee already holds a valid dual drivers licence a DBS certificate will not be required. If the applicant or employee is not a licensed driver then they will be required to submit a Basic DBS certificate. For a Basic Certificate: Applicants can apply to the DBS online at https://www.gov.uk/government/organisations/disclosure-and-barring-service or through a Responsible Organisation.</p>
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	<p>Delete:- N.B For partnerships or companies, the above requirements apply to all partners and directors/company secretaries who are directly involved in the management of drivers. Where there is no direct involvement with the management of drivers, all partners and directors/company secretaries are required to provide a satisfactory basic criminal record disclosure. Applicants can apply for a basic criminal record disclosure at https://www.gov.uk/request-copy-criminal-record.</p>	<p>Addition:- A DBS check on all relevant persons will be made annually unless the holder of a valid dual drivers licence whereby the check will be made every 6 months, therefore we recommend subscribing to the DBS update service to save incurring unnecessary extra costs.</p>
38/46	<p>Remove:- Vehicle not fit for the conveyance of passengers 3d.18 Where an operator has notified the Council that damage has occurred to a vehicle, otherwise than by an accident that has led to the involvement of the relevant insurance company, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them 72 hours. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The officer may require the proprietor to arrange for a further MOT test to be</p>	<p>Insert:- Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all laws have been complied with, including the Equality Act 2010</p> <p>Insert:- Under the conditions the operator is required to keep a number of different forms of record namely:</p> <ul style="list-style-type: none"> • Booking records (to include which member of staff took the booking when the booking • is taken by a person and not a computerised method); • Operator vehicle schedule; • Operator driver schedule;

	<p>undertaken and certificate produced before the vehicle will be permitted to operate; this is at the discretion of the authorised officer.</p>	<p>Each of these records must be kept up to date and retained by the operator for a period of at least 12 months (as per conditions of licence).</p>
<p>39/47</p>		<p>Updated seatbelt responsibilities</p> <p>Inserted:- If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the vehicle.</p> <p>Inserted:- Complaints Procedure</p> <p>Operators are required to have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.</p> <p>The complaints procedure and compliant records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate.</p> <p>Inserted:- Child Sexual Exploitation and Disability Awareness All new operators are required to complete Child Sexual Exploitation training and Disability awareness training and existing operators are required to complete refresher training every 3 years.</p>

		<p>Failure to complete the training within the required time, could result in the licence being suspended until the required training has been completed.</p>
<p>41/49</p>		<p>Insert: Other local authorities</p> <p>Inserted:- Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence. Breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Councils enforcement policy and will be referred to the duly authorised officer. Repeated breaches of licence conditions will result in the matter being referred to the Licensing Sub-Committee.</p> <p>Inserted:- The authority will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Data held within the system will be used to target compliance and enforcement activity as well as to provide a picture of the potential risks a licence holder may pose. It will also be used as part of the 'balance of probabilities' assessment required in any licence review undertaken as a result of multiple or serious complaints.</p> <p>Inserted:- The Council has an Enforcement Policy which it will take into account before taking any</p>

		<p>enforcement action. The Licensing Team must be familiar with the requirements of the policy and appropriate training Will be provided, where required.</p> <p>Enforcement Officers will be authorised by the Council to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.</p> <p>Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.</p> <p>The Council will investigate all valid complaints with regard to drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by the licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised officer of the Council or Licensing Sub-Committee.</p>
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		<p>An authorised officer of the Council /Licensing Sub-Committee will consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council will consider whether the driver is a fit and proper person to hold such a licence.</p> <p>Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.</p> <p>Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving, either due to the maintenance and safety of their vehicles, or in the manner of their driving. The Council expects all licence holders to adhere to the specifications set out in this Policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.</p> <p>Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interviews and vehicle inspections, and producing documentation upon request.</p>
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		<p>Enforcement Options</p> <p>Licence application and enforcement decisions will always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria will be considered including the:-</p> <ul style="list-style-type: none">• seriousness of any offences;• driver or operator's past history;• consequence of non-compliance;• likely effectiveness of the various enforcement options;• danger to the public. <p>Having considered all relevant information and evidence, the choices for action are:-</p> <p>Licence Applications:</p> <ul style="list-style-type: none">• grant licences subject to the Council's Standard Conditions;• refuse to grant a licence.• Grant for a limited time period• take no action;• take informal action;• suspend a licence;• revoke a licence;• use simple cautions;• prosecute;
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		<p>Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the Licensing Sub-Committee.</p> <p>This Council will have regard to the Convictions Guidelines at Appendix J.</p> <p>Informal Action</p> <p>Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.</p> <p>Such informal enforcement actions may be appropriate in any of the following circumstances:-</p> <ul style="list-style-type: none">• the act or omission is not serious enough to warrant more formal action;• from the individual driver or operator's past history it can be reasonably expected that• informal action will achieve compliance;• confidence in the operator's management is generally high;• the consequences of non-compliance will not pose a significant risk to the safety of the• public.• Failure to notify of a conviction that would not in itself breach the guidance on• determining the suitability (Appendix J) outlined in this policy
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		<p>Details of any informal action will be recorded on the councils' records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted. When a licence holder has received three warnings in a 36 month rolling period their licence will be referred to the Licensing Sub-Committee to determine whether any further action is required.</p> <p>Appearance before the Licensing Sub Committee</p> <p>An offending individual or company may be summoned before the Licensing sub-Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.</p> <p>The Licenisng Sub Committee have the option of deciding the application on its merits, and may:</p> <ul style="list-style-type: none">• Take no action;• Give a written warning;• require the production of driving licences or other specified documentation at the Council's office;• suspend the licence, upon setting conditions, or for a period of time;• revoke the licence;• recommend prosecution action.
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		<p>Details of the appeals procedure will be set out in the written notification of action sent by the Council.</p> <p>The Licensing Sub Committee will have regard to the guidance on convictions shown at Appendix J of this policy.</p> <p>Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>An authorised officer may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.</p> <p>This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the officer is satisfied with the condition of the hackney carriage or private hire vehicle.</p> <p>This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.</p>
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		<p>Details of the appeals procedure will be set out in the written notification of action sent by the Council.</p> <p>Prosecution The decision to prosecute is a very significant one. Prosecution will, in general be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner, and be proportionate to the circumstances.</p> <p>The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-</p> <ul style="list-style-type: none">• where there is a blatant disregard for the law, particularly where the economic• advantages of breaking the law are substantial and the law-abiding are placed at a• disadvantage to those who disregard it;• when there appears to have been reckless disregard for the safety of passengers or• other road users;• where there have been repeated breaches of legal requirements;• where a particular type of offence is prevalent;• where a particular contravention has caused serious public alarm.
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		<p>Officers will take account of the Council Enforcement Policy when circumstances have been identified which may warrant a prosecution.</p> <p>Simple Cautions A simple caution may be used as an alternative to a prosecution in certain circumstances.</p>
42/50	Deleted part 5 as repeated at page 5	
42/50		<p>Inserted:- Part FARES & FEES</p> <p>The Council's policy is that the fees charged by the authority should meet the cost to the authority to administer the service. The service provided in relation to hackney carriages and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is in line with Council's charging policy.</p> <p>Review and Setting of fees The Council may review the licence fees annually. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade.</p> <p>Private hire rates The Council has no power to regulate the rate for private hire vehicles. However the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In</p>

		<p>addition the Council expects all drivers to meet their legal obligation not to prolong a journey.</p> <p>Hackney carriage tariffs The Council sets the Table of Fares (or Tariffs) for hackney carriage journeys and they are the maximum charges that Hackney Carriages can charge for journeys wholly within the Borough's administrative area and the rate at which the taximeters must be calibrated to in order for them to calculate journey fares. These will be reviewed upon request by the trade, with a view to any changes coming into effect within 6 months of the review. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by virtue of section 67 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey</p> <p>The Table of Fares (or Tariffs) is published on the Council's website here: https://www.tamworth.gov.uk/private-hire-and-hackneycarriage-licences.</p>
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		<p>It is an offence to charge more than the maximum metered fare for any journey that starts and ends within the Borough. A fixed price can be agreed before the journey commences but it must not exceed the maximum metered fare.</p> <p>It is an offence to charge more than the maximum metered fare for any journey start ends outside of the Borough unless an agreement to pay more has been made in advance of the hiring. If there is no pre-agreement then the driver is bound to charge not more than the maximum metered fare for that journey.</p>
43/51		Updated contact details
44/52	<p>Delete:- All drivers are expected to attend Safeguarding training and any updates provided throughout their licence period. Tamworth Borough Council provides free training in Safeguarding. Attendance of this training is voluntary at present. If any drivers decide not to volunteer for this training then it will become compulsory and a charge introduced.</p>	<p>Inserted vulnerable persons</p> <p>Replace With:- All drivers and operators are expected to attend Child Sexual Exploitation (CSE) training and any updates provided throughout their licence period. Tamworth Borough Council provides training in (CSE). Attendance of this training is compulsory on initial application and compulsory refresher training every 3 years is required.</p>
46	Deleted conditions	Inserted new conditions
51-66	Deleted conditions kept bylaws relating to Hackney Carriages	Inserted new conditions
65/73	Deleted conditions	Inserted new conditions
65/73		Inserted new conditions in relation to Limousines
68/76	Deleted conditions	Inserted new conditions

72/80	Only licensed hackney carriages are permitted to ply for hire. It is ILLEGAL for a private hire vehicle to ply for hire. This means:	Only licensed hackney carriages are permitted to ply for hire and only in the administration area of the Borough Council with which they are licensed. It is ILLEGAL for a private hire vehicle to ply for hire. This means: new paragraph added:- Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
75/83		Updated Rehabilitation Period Table
77/85	Deleted:- H1.21 The Council will not grant a licence to an applicant who has been convicted of a specified sexual or violent offence unless significant and exceptional circumstances apply.	Addition:- In addition to the consideration of rehabilitation periods, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. Crimes resulting in death Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Exploitation Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

		<p>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.</p> <p>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 7 years have elapsed since the completion of any sentence imposed.</p> <p>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.</p> <p>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.</p> <p>Dishonesty 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.</p> <p>Drugs</p>
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		<p>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.</p> <p>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 5 years have elapsed since the completion of any sentence 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.</p> <p>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.</p> <p>Motoring convictions Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.</p>
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		<p>Drink driving/driving under the influence of drugs/using a hand-held telephone or handheld 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</p> <p>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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>Other motoring offences A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p> <p>A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7</p>
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		<p>years have elapsed since the completion of any sentence imposed.</p> <p>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.</p> <p>Vehicle use offences Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>
81/89	Deleted Appendix J	
85/93		<p>Additional wording:- The cost for this additional plate will be paid for by the vehicle proprietor</p>
87/95	<p>Delete:- The shirt, "T" shirt or blouse shall cover the shoulders and be capable of being worn inside the shorts, trousers or skirt. Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button. "T" shirts, sweat tops, jumpers, shall not carry any words or pictures except for any name (including any logo) of any:-</p> <ol style="list-style-type: none"> a. Manufacturer and/or b. Operator/Proprietor and/or c. The name of the driver. 	<p>Replace with:- T-shirts, sweat tops, jumpers, blouses or dresses shall not carry any words or pictures apart from discreet logos and manufacturer names, the name of the operator or proprietor and the name of the driver.</p> <p>Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button.</p> <p>Insert:- Exceptions related to faith or disability are accepted.</p>

	Delete the reference to 'female' in relation to footwear.	
88		<p>Inserted:- Private Hire/Hackney Carriage Vehicle Licensing - Hire Companies</p> <p>Applications for the grant of a private hire or hackney carriage vehicle licence will be accepted from Hire Companies, however special rules will apply. A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to the accident repair work being carried out (proof from the garage will be required). The application and all necessary documents must be in the name of the vehicle proprietor (Hire Management Company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the Hire Management Company. All vehicles which are present to the Council for licensing and all vehicles whilst licensed must comply with the vehicle specifications contained within the appendices. A replacement vehicle will only be issued on a like for like basis i.e. the number of seats.</p> <p>Process</p> <p>The vehicle proprietor (Hire Management Company) must sign all applications for a new vehicle licence. Any application not signed by the proprietor will not be accepted. In addition the operator of the firm for which the vehicle will be used must sign the application form for a new private hire, hire vehicle.</p>

		<p>The following documentation is required for the issue of a vehicle licence:-</p> <ul style="list-style-type: none">• Details of the licenced driver who will be responsible for the vehicle.• Compliance test pass certificate not more than 14 days old.• Vehicle insurance or cover note which must cover the vehicle for 'Public Hire' if hackney carriage or 'private hire' if private hire or in any case for 'hire & reward'• Vehicle v5• Fee <p>On the grant of the licence the following items will be issued:-</p> <ul style="list-style-type: none">• Vehicle Licence• Plate• Conditions <p>The licence plates remain the responsibility of the accident management company and must be returned to the licensing office when the vehicle is handed back to them. The vehicle will be cancelled.</p> <p>Failure to comply with these guidelines will result in future applications being rejected.</p> <p>Reporting an accident</p> <p>Proprietors have 72 hours in which to report an accident. An authorised officer will assess the vehicle and if required will instruct the proprietor to take it to the nominated testing station for them to assess if the vehicle is roadworthy. Should the vehicle be roadworthy, but requiring repair – these repairs should be done within 28 days. Should the vehicle not be roadworthy then vehicle will be suspended until such</p>
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		a time that the testing station deem the vehicle to be roadworthy.
	Deleted Penalty Points	Inserted new Penalty Points corresponding to new conditions

Hackney Carriage and Private Hire Licensing Policy



2023-2028

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PART 1 – INTRODUCTION

The Borough Council of Tamworth (“the Council”) is the licensing authority for the private hire and hackney carriage regime in the Borough of Tamworth.

In carrying out its Taxi and Private Hire licensing function the Council seeks to promote the following objectives:

- Protection of the Public
- Safety and health of drivers and the public;
- High standards of vehicle safety, comfort and access;
- Prevention of crime and disorder and the protection of the consumers;
- Ensure that the decision making processes are transparent, and the resulting decisions are fair, proportionate and consistent;
- Equality and accessibility in service provision.

The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

In addition, this Policy attempts to encompass the Councils vision:-

‘Tamworth – celebrating our heritage, creating a better future’

The Policy seeks to ensure that transport for those with a disability will be provided.

The Policy adheres to statutory guidance issued in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 to protect children and vulnerable adults from harm when using taxi and private hire services.

The main types of licence are:

- Dual Hackney Carriage and Private Hire Drivers’ Licence - All drivers of Hackney Carriages and Private Hire Vehicles (‘Drivers’) must hold a Dual Hackney Carriage and Private Hire Drivers’ Licence issued by the Borough Council of Tamworth;
- Private Hire Vehicle Licence - Private Hire Vehicles must be licensed by the Council, as must the Driver and the Private Hire Operator who is responsible for taking the bookings. All three licences must be issued by the same Council.
- Private Hire Operator Licence - Private Hire Operators must be licensed by the Council, as must the Drivers and Vehicles they operate.
- Hackney Carriage Vehicle Licence - Hackney Carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

The rules on Taxis and Private Hire Vehicles can be complex. This document is intended to make it clear how the Council operates its licensing service.

Please note that the following vehicles are not required to be licensed:

- vehicles owned by funeral directors wholly or mainly for the purpose of funerals

- ambulances and voluntary vehicles
- vehicles used solely for the purpose of weddings.

Scope

The Hackney Carriage and Private Hire Licensing Policy is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators. This policy supersedes all previous Council policies relating to Hackney Carriages, Private Hire Vehicles, Operators and Drivers.

Purpose

The fundamental purpose of licencing is to protect the safety and welfare of the public who live, work and visit Tamworth. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Tamworth local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under this Policy.

Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.

The main concerns for the Council are to ensure:

- the safeguarding of children, young persons and adults at risk of abuse and neglect;
- that in order to promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to Tamworth BC's Safeguarding Policy, and Appendix A for further information);
- that any person who applies to be a hackney carriage or private hire vehicle, driver or operator is a fit and proper person and does not pose a threat (in any form) to the public.

The Council also use the phrase 'safe and suitable' in place of 'fit and proper' as an aid to interpret what is meant by it. The tests that the Council will use to determine whether an individual is considered fit and proper/safe and suitable to hold a licence are below:

- For drivers: "Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone at any time of day or night?"
- For private hire operators: "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"
- For vehicle proprietors: "Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without

arousing suspicion and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”.

- that the public are safeguarded from dishonest persons; that vehicles used to convey
- passengers are safe and fit for the purpose for which they are licensed; and
- that the impact on the environment is reduced in line with European and national guidelines.

The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences; persons who hold existing licences, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers and members of the public protection committee;
- service users who have concerns relating to an operator, vehicle or driver; licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- Magistrates' and judges hearing appeals against Council decisions.

The Policy is also designed to put the Council's licensing requirements into context.

Consultation and Communication

In determining this Policy, the views of relevant stakeholders have been taken into consideration.

In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communication and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Policy, conditions, changes in the law and reviews. The specific methods to achieve this communication and consultation will be determined as required.

The views of relevant stakeholders will be considered in any major changes to this Policy.

Review

The policy will be formally reviewed after 5 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.

Minor changes would be made without consultation where:

- they are to correct an administrative error
- they are a change needed because something is no longer possible or legal
- there is no foreseeable detrimental effect to licensee's interests.

Legislative framework

The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Secretary of State for Transport Statutory Taxi and Private Hire Vehicle Standards July 2020, and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.

The primary legislation relating to hackney carriage and private hire licensing, at the time this policy comes into force, is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and may be subject to change with any new and/or amended legislation. This policy reflects the changes to hackney carriage and private hire licensing introduced by the Deregulation Act 2015 and Immigration Act 2016, and the provisions contained within the Equality Act 2010. It also encompasses provisions from other pieces of legislation such as (but not exclusively) the:

- Road Safety Act 2006
- Road Traffic Acts (Various)
- Criminal Justice & Public Order Act 1994
- Transport Act 1985

In addition, the service is provided in accordance with all relevant Council policies, but in particular the following which mirror the framework of policies which under section 177(4) of the Policing and Crime Act 2017 the authority must have regard to when exercising its licensing functions:

- Diversity & Equality Scheme
- Information Security policy
- Corporate Enforcement policy

The General Data Protection Regulations ("GDPR") and the Data Protection Act 2018 ("DPA18") covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The principles state that the information shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or
- unauthorised processing, access, loss, destruction or damage

Further information about GDPR and DPA18 can be obtained at the Information Commissioner's website (www.ico.gov.uk). Enquiries regarding the Council's use of personal data should be addressed to the Councils Data Protection Officer at data-protection@tamworth.gov.uk

The Policy and associated conditions do not address health and safety at work requirements.

Drivers and operators are required to ensure compliance with all relevant health and safety at work provisions. This is likely to impact on the health and safety requirements associated with transporting passengers with disabilities, e.g. those who need to carry oxygen for medical purposes or those with assistance dogs. This may have implications on the extent of the discretion that drivers have to refuse to carry passengers with certain disabilities.

Conditions

The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the guidance, i.e. to protect the safety and welfare of the public and in particular children and vulnerable adults.

Any licensed driver, vehicle proprietor or operator may request a review of any condition or any element of this Policy at any time. Requests will be dealt with on their individual merits.

Initiatives that lead to the improvement of any element of the service in particular enhancing the safety of the public are actively sought.

Our approach

The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible

Public Register

The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Councils Licensing team and where possible will be published on the Councils website

PART 2 – LICENSING PRINCIPLES, PROCESS AND DELEGATION

Introduction

The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

This part of the policy focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers of the Council.

The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the duty that the Council has to protect the safety and welfare of the public.

All licence applications will be considered and determined on their own individual merits, but with regard to the statutory guidance regarding the protection of children and vulnerable adults who use taxi and private hire services.

Licensing principles

The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the over-riding duty that the Council has to protect the safety and welfare of the public.

All licence applications will be considered and determined on their own individual merits.

Licensing process and delegation of functions

The Council has delegated its licensing function to the Licensing Committee, who have further delegated officers of the Council to determine all applications and take action in accordance with this Policy.

Whilst officers and the relevant committees will, in the majority of cases, follow the Policy. Where the policy is silent, the reasons for departing from the guidance will be made clear.

Committees

Licensing Committee

This Committee is made up of 13 members of the Council. It deals with conditions of licence, the setting of fees and charges and hackney carriage fares.

Decisions

The Council has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings.

Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning will be made in accordance with the Council's scheme of delegation and other relevant procedures.

Where applications are to be determined, the officer, and/or Licensing committee will take into consideration the facts of the application, any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding and officers from Staffordshire Police together with the recommendation made by the licensing officer presenting the report. Applicants will be given the opportunity to submit written and/or verbal representations as appropriate.

Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

Application/Renewal Decision

Where the Council is minded to not approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

Where an application is incomplete or does not meet the application criteria the Council will reject the application. This will be confirmed in writing.

Decision to suspend/revoke a licence

Suspension, Immediate Suspension, Revocation and Immediate Revocation of a dual drivers licence can be carried out by the Licensing Committee, or a duly authorised officer of the Council.

Where the Council is minded to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

Suspension or Revocation of a vehicle licence can be carried out by the Licensing Committee or a duly authorised officer of the Council.

Appeals

If the applicant/licence holder is aggrieved by the decision of the Council they may appeal to the relevant court (in most cases the Magistrates Court). The appeal needs to be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstance

Working in partnership

The Council aims to work in partnership with other relevant agencies/bodies when dealing with hackney carriage and private hire licensing issues. Such partnerships will include, but are not restricted to, relevant hackney carriage and private hire trade associations, neighbouring local authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams, Safeguarding Partnerships and consumer groups.

The Borough Council of Tamworth regularly meets and shares information with other enforcement authorities including Staffordshire Police and Staffordshire Trading Standards through the Tamworth Responsible Bodies Group (RBG) and Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG).

The Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced in order to ensure protection of the public

Where licensing staff do not consider that this policy is being correctly applied they are able to raise this for investigation, and remedial action if required, through the Council's internal whistleblowing procedure.

PART 3 – LICENSABLE ACTIVITIES

Introduction

This part of the Guidance focusses on the licensable activities and the necessary steps required to obtain and to hold such a licence. These steps will include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.

The following are applicable to all licence types:

- Where an applicant has failed to declare relevant information or provided false information the application is likely to be refused; where this relates to an existing licence, the licence is likely to be suspended or revoked. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required by the application for a licence;
- All licence fees are payable at the time of application in full. Where a licence is not granted, i.e. the applicant withdraws their application a portion of the fees may be returned to the applicant. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
- In the event that an application for a licence is paid by cheque, the licence will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the licence will be null and void with immediate effect;
- The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.
- Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
- When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application, unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

Appointments

The Council operates an appointment system. Applicants will not be seen and applications will not be accepted without an appointment without prior agreement by a Council Officer. To assist drivers, vehicle owners and operators to make appointments in a timely manner, the Council will endeavour to notify all operators and proprietors of vehicles that their licence is due to expire at least three months before the actual expiry date of their licence. This is to

allow sufficient time for DBS checks to be undertaken and returned, and any necessary training or other requirements to be completed.

IMPORTANT: However, it is the licence holder's responsibility and the onus is on them to ensure that a renewal application is made in good time. Under no circumstances will a licence be issued without satisfactory completion of all required checks.

Disclosure & Barring Service (DBS) data and other relevant information

The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and will retain a copy of the certificate in line with the Council's data retention policy and data protection legislation.

DBS certificates must be in the correct workforce (i.e. 'Other Workforce') and for the correct job role (i.e. Taxi Driver or Taxi Licensing). Further information about the DBS can be found at:

<https://www.gov.uk/government/organisations/disclosure-and-barringservice/about>

The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation provided:-

- It is for 'other workforce';
- It includes both of the Barring checks
- It is for the same job role (Taxi Driver or Taxi Licensing)
- It is presented to the Council for verification within 3 months of issue date of the certificate
- the applicant has subscribed to the DBS Update Service; and
- the applicant has authorised the Council to access the relevant online record

Further information can be found at:

<https://www.gov.uk/dbs-update-service>

The Council will make regular use of the DBS update service provided by the DBS and, where this shows changes to a licence holders record, a new DBS disclosure will be required. The licence holder is required to pay the appropriate fee before the new DBS disclosure application is submitted.

Where an applicant has spent an extended period of time overseas and hence their DBS record is incomplete the authority will require an applicant for a licence to provide data on their criminal record or a Certificate of Good Character issued by the relevant Embassy or High Commission.

The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Further information on this can be found at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Drivers who undertake work for County Council transport contracts, e.g. school contracts, are advised to contact the Transport and Connected County Unit at Staffordshire County Council in order to ascertain the level of criminal record disclosure required and any other

requirements in this respect. Information will be shared between Staffordshire County Council and the Borough Council about individuals and businesses that apply and/or tender to deliver passenger transport contracts.

<https://www.staffordshire.gov.uk/Education/School-transport-provider-information/Home.aspx>

The Transport and Connected County Unit can be contacted by email at:

transportcontracts@staffordshire.gov.uk

In addition to information via the DBS service the authority maintains close links with the local police licensing unit ensuring that information held by either party, relevant to taxi and private hire driver licensing, is efficiently and effectively shared under existing protocols. Where the local authority obtains or holds relevant information not known to the DBS service or the local police they will refer this to either or both organisations in order that the information they hold is up to date and complete. This will include information regarding licences which the authority has refused, revoked or suspended them, on the basis that they believe the individual presents a risk of harm to a child or vulnerable adult.

The authority will also share information with other local licensing authorities regarding licences they refuse, suspend or revoke and with the national register maintained by the National Anti-Fraud Network known as the 'NR3' register.

Counter-Terrorism and Security Act 2015

The Council has a duty under the Counter-Terrorism and Security Act 2015 ("CTSA") to have due regard to the requirement to prevent people from being drawn into terrorism. The applicant/licence holder shall facilitate the Council's compliance with its duty pursuant to the CTSA and the applicant/licence holder shall have regard to the statutory guidance issued under section 29 of the CTSA and in particular to ensure that they:

- understand what radicalisation means and why people may be vulnerable to being drawn into terrorism;
- are aware of extremism and the relationship between extremism and terrorism;
- know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extreme ideology that can be associated with it; and
- obtain support for people who obtain support for people who may be exploited by radicalising influences.

Where the applicant/licence holder identifies or suspects that someone may be engaged in terrorist related activity, the applicant/licence holder must refer such person or activity to the police. For more information please see:

<https://www.gov.uk/government/publications/counter-terrorism-support-for-businesses-andcommunities>

<https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses>

Immigration Act 2016

As of 1st December 2016 the Council are obliged to ensure that all drivers and operators have the right to work within the UK prior to issuing them a licence. All applicants will be treated in line with the government guidance that can be found here:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

As part of the new/renewal application process the individual will have to provide the Council with ones of the documents listed in Annex A of the Government Guidance.

Where an applicant cannot provide a current proof of their right to work in the UK then a licence will not be issued to them. Where an applicant has a time limited right to work in the UK then the Council will only issue a licence up until the expiry date of that document.

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3a. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

Summary

Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.

Any person who drives a private hire vehicle licence must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The Council issues a dual Hackney Carriage and Private Hire licence entitling the driver to drive both vehicles.

Fit and proper person

The Licensing Authority has a duty to ensure that any person who is granted a drivers licence is 'fit and proper' to hold a drivers licence. Once granted, they must remain a 'fit and proper' person for the duration of that licence.

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person. If, on the balance of probabilities, the answer is 'no' the individual should not hold a licence. An applicant or licence holder should not be 'given the benefit of doubt'.

The fitness and propriety of a driver will be monitored / assessed, throughout the period that the licence is held, by the Licensing Authority with assistance from Partner Agencies.

All applicants/Licensees are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous cautions, convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The application and compliance procedures are designed to ensure high standards are maintained, monitored and non-compliance is appropriately enforced.

Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount.

The Council will use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked a taxi or PHV driver licence. It will record any cases within Tamworth Borough and check the database for all licence applications and renewals. The Licensing Authority will record the reasons for any refusal, suspension or revocation and

provide those to other authorities as appropriate.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality including cautions
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

The Council may at any time request a DVLA check code from an applicant or licensed driver, in order to access DVLA records. The DVLA check code must be provided within 7 days of such a request.

Disclosure & Barring Service Check

As referred to above, hackney carriage and private hire vehicle drivers are required to undertake an enhanced criminal record disclosure (DBS check) and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act (Exceptions) Order 2003.

The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 inapplicable and therefore convictions are deemed never to be spent. As a result, all convictions, including cautions, will be taken into account when considering a person's suitability to hold a driver's licence. Consequently, applicants are required to provide details of all convictions and cautions, including driving endorsements and disqualification periods relating to 'major' traffic offences.

Although cautions are generally not as serious as convictions, they do require an admission of guilt before they can be issued and are therefore a valuable indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence.

A criminal record does not automatically bar an applicant from holding a drivers licence; however, it will be a significant factor when determining whether a licence ought to be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix H**. However, the over-riding consideration will always be to ensure the safety and welfare of the public.

Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has

not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Character from the Consulate of the applicant's country of origin. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided. Proof of a right to work in the United Kingdom will also be required. Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>. The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Period of licence

Licences will be issued at a standard length of 3 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis, in accordance with the Statutory Taxi and Private Hire Vehicle Standards.

Application process

The application form(s) must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application form is incomplete or relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information / documentation and will be informed that the application will not be accepted until such time as all required information/documentation is provided.

The full fee for the licence is payable at the time the application is submitted.

In addition to submitting the application form and fee an applicant must:

- Be over 21 years of age
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 1 years.
- Provide an enhanced DBS certificate including checks against the barring lists, issued:
 - within the previous 3 months or
 - be Registered with the DBS update service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Provide one (1) passport sized photograph
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- Pass the Council's knowledge test;
- Pass CSE & Disability Equality Training approved by the Council
- Undergo Group 2 medical examination and provide the medical certificate issued by the Medical Practitioner;
- Pass the practical driving standards assessment test
- Provide a DVLA online check code

- Provide a Tax check code

Arranging DBS

Appointments are made by the applicant booking an appointment with the Council's Customer Services department with the applicant to complete a DBS application form.

Applicants must subscribe to the DBS Update Service, proof of subscription reference number and the last DBS certificate number must be provided. DBS certificate checks will be made every 6 months. Failure to subscribe to the update service will result in unnecessary additional fees.

Knowledge test

New applicants for a licence to drive a hackney carriage or private hire vehicle will be required to take and pass the Council's knowledge test. This test is aimed at assessing the driver's knowledge of the conditions licensed drivers must adhere to, streets, locations, attractions, entertainment venues and general geography of the Council's administrative area in order to satisfy the Council that they will be able to convey passengers who may be unfamiliar with the locality. This test will be conducted in English. Details of what is required in the knowledge test are provided within the application pack.

Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.

The charge for the initial knowledge test is included in the licence fee. Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

An applicant is permitted to take the knowledge test up to a maximum of 3 times per application, subject to the additional re-test fees being paid. Where an applicant fails the knowledge test three times, the application will be refused. The applicant will not be permitted to re-apply for a drivers licence until the expiry of a 12 month period from the date of the last failed knowledge test.

The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of the Council.

Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

Medical requirements

The Council is permitted to satisfy itself that an applicant for a licence is physically fit and remains so during the currency of any licence. Consequently, all applicants for a hackney carriage or private hire vehicle driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council requires to ensure their fitness to drive. The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive' (May 2014). The standard required is the 'Group 2 Entitlement'. No grandfather rights are given by the Council in relation to medical matters.

Applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued. Every 5 years up to the age of 45, or sooner if stipulated by the examining doctor.

Applicants aged 45 to 65 will be required to undertake a medical examination every 3 years, or sooner if stipulated by the examining doctor. Applicants must provide satisfactory medical certificate.

Applicants over the age of 65 must undertake a medical examination and provide a satisfactory medical certificate annually, or sooner if stipulated by the examining doctor.

Age up to 45	Every 5 Years
Age 45 to 65	Every 3 Years
Age over 65	Every Year

In particular, applicants must consider the medical conditions listed in **Appendix I** as the Council may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions. Where relevant, the applicant must comply with the additional requirements detailed in **Appendix I**.

If once licensed, the driver's medical circumstances change during the currency of the licence, the driver must inform the Council within 10 working days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licenced driver. The cost of this additional test will be met by the driver.

Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested.

All medical examinations must be carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council. The Council reserves the right to refer any medical matters to its own appointed Medical Officer whose decision on the fitness (or otherwise) of a driver to continue as a licensed driver will be final.

The Council will not grant or renew, as the case may be, any driver's licence unless the foregoing provisions are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.

With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence. The cost of any further medical examinations are to be met by the licence holder.

Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must submit to a rigorous medical examination carried out by the Council's appointed Medical examiner who is a - General Practitioner (GP) registered with the General Medical Council and provide sufficient proof that they have a history of a specific health problem(s) that means they qualify for such a

medical exemption. However, the Council reserves the right to refuse to grant a licence if deemed appropriate to do so.

DVLA and other relevant driving licences

A person applying for a drivers licence must be at least 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 1 year at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences.

Throughout the currency of the licence, the driver must possess a full driving licence in accordance with the above requirements.

Applicants are required to produce the original of their driving licence. Copies will not be accepted.

All applicants holding driving licences issued by agencies other than the DVLA must produce a certificate to show a driving record from the country of issue.

The Council will not provide photocopies of any driver's driving licence from Council records.

The Council will use the online Government Driving Licence Checker to check driving licences. www.gov.uk/view-driving-licence.

All applicants for and holders of a Hackney Carriage & Private Hire Combined Drivers Licence will be required to have an annual check of their DVLA driver licence record.

Practical Driving Standards Assessment Test.

The Council approved provider has been employed to carry out the practical driving Assessment Test. Applicants are required to pass an assessment before a licence is issued. Acceptable Photographic identification is required before the test can be commenced.

Applicants who fail the Practical Driving Assessment Test will be allowed to re-do the assessment. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

No refund will be provided for any cancellations with less than 24 hours' notice in writing.

If applicants fail three successive Practical Driving Assessments they will be required to wait at least 12 months (from the date of the most recent failure) before being permitted to take further tests.

A third failure may lead to the application being refused on the grounds that the applicant does not have the required skills to deal with the public in the role of a Combined Hackney Carriage and Private Hire driver. At this point of the application only the grant fee will be refunded.

English speaking

The applicant is expected to complete the knowledge test without any translation being offered. And must be able to show they are capable of completing a receipt.

Renewal applications

On renewal of an existing licence, applicants must:

- Submit a completed application form
- Pay the appropriate fee
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or be Registered with the DBS update service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- Pass CSE & Disability Equality Training approved by the Council
- Undergo Group 2 medical examination and provide the medical certificate issued by the Medical Practitioner if required
- Provide a DVLA online check code
- Provide a Tax check code

Providing the above are satisfied, the Council will renew the licence subject to the receipt of a satisfactory enhanced DBS report and satisfactory reports through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from.

To allow continuous driving, a licence application must be received by the Council by 1 month before the expiry date to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new drivers licence application which will be processed in accordance with the Council's new application procedures. If a new application is received within 12 months of the expiry date, not all elements of a new application will be required.

Licence conditions

The applicable conditions with which a driver holding a hackney carriage and private hire drivers licence must comply are set out at **Appendix B**. These conditions are in addition to any matters set out within the main body of the Policy

Main legal requirements

Production of documents

The driver must, on request, produce for inspection their driver's, licence or forthwith within 5 days to the Council's offices, or other suitable location as directed by the Licensing Team.

Driver's badges and licences

There are two badges issued. One must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible. The second badge must be displayed in a prominent position within the vehicle to be seen by members of the public

All drivers of vehicles licensed for hackney purposes of which they are not the operator,

must before commencing driving that vehicle, deposit a copy of their drivers licence with the operator for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badge & licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective

Journeys

Drivers must not unnecessarily prolong a journey, in distance or in time. Vehicles permitted to be driven for private hire and hackney carriage purposes. Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes

Driving licensed vehicles

Once a vehicle is licensed it is classed as licenced at all times. Only drivers who are licensed by Tamworth Council are permitted to drive vehicles that are licensed by this authority. The only exceptions to this are when the vehicle is undergoing a fitness test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation

Touting

A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose.

Plying for hire

Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix G** and is based on relevant legislation and case law.

Transporting children

As a minimum, drivers must comply with the requirements set out in the table below. For clarity children should not travel in a push chair

Category	Front seat	Rear seat	Who is responsible?
Child under 3	The right child restraint must be used	The right child restraint must be used. If one is not available in a taxi, may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height (or 12th birthday, whichever they reach first)	The right child restrains must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint is not available: in a taxi; for a short distance in an unexpected necessity; if two occupied child restraints prevent fitting of a third.	Driver

Category	Front seat	Rear seat	Who is responsible?
Child 12, 13, or over 135 cm in height	Seat belt (or child restraint) must be worn if fitted	Seat belt (or child restraint) must be worn if fitted.	Driver
All Passengers 14 years and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted.	Passenger

Smoking in vehicles

Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes e-cigarettes and vaping and any similar paraphernalia. No smoking signs shall be displayed clearly visible to passengers.

Refusing to convey passengers

A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger with or without a reasonable excuse.

Overcharging

Drivers of hackney carriages must not charge more than is permitted under the current table of fares

Persons riding without consent

Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.

Unauthorised drivers

Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate license to do so.

Unattended vehicles

Hackney carriage drivers must not leave their vehicle unattended in any street or public place or venue or Taxi Rank, or in contravention to parking regulations.

Obstruction

Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities.

3b. HACKNEY CARRIAGES

Summary

Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street when within the administrative area of the council with which it is licensed. Hackney carriages may also undertake pre-booked journeys anywhere in the country.

All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.

Section 167 of the Equality Act 2010 requires Local Authorities to maintain and publish a list of all designated Wheelchair Accessible taxis and Private Hire Vehicles. The duties on drivers apply to drivers of vehicles in this list include:

- (a) to carry the passenger;
- (b) To carry their wheelchair/mobility aids
- (c) not to make, or propose to make, any charge for carrying out these duties;
- (d) to take reasonable steps to carry the passenger in safety and reasonable comfort;
- (e) to provide reasonable mobility assistance

The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.

The Council does not limit the number of hackney carriage vehicle licences that it will issue.

Relevant licensable area

The Council will not operate separate zones for licensing of hackney carriages and the relevant licensable area will be the whole administrative area of the Council.

Intended use of vehicles

A person applying for a licence for a hackney carriage vehicle should do so with the intention of using the vehicle in the administrative area of Tamworth Borough Council. Where the intention is to use a hackney carriage licensed vehicle in another council's area for private hire, then the applicant should apply to that council for an appropriate licence.

In accordance with section 57 of the Local Government (Miscellaneous Provisions) Act 1976, a person applying for a hackney carriage licence will be required to indicate whether the vehicle will be used primarily within the administrative area of Tamworth Borough Council or outside the area. Details will be required as to the proportion of business that will be carried out both within and out of Tamworth Borough Council's administrative area. In addition, details of the location of business carried on outside the Council's area will be required. Applications received where the primary use of the vehicle is or is likely to be outside the Council's area will be refused.

Period of licence

Vehicle licences will be issued for 12 months.

Vehicle Specifications

Upon first application all vehicles must be a purpose built hackney carriage or wheelchair accessible, or converted to conform with European type approval, and be less than 12 years old. Vehicles up to 4 years old will require an annual fitness test and twice per year for vehicles over 4 years old.

The following upper age limits apply:

- No vehicle licence will be renewed on any vehicle that is of 12 years of age.
- There will be no upper age limit on Electric /hybrid vehicles.

Licence applications for vehicles in “exceptional condition” which are outside of the Council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the require standard. This vehicle check must be completed at least a month before the licence plate expires. The compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration.

Vehicles must

- a) seat not less than four (4) or more than eight (8) passengers (not including the driver) and;
- b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless licensed at the implementation of this policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;
- c) Be fitted with a taximeter, calibrated to the Borough Council’s approved tariff
- d) Be fitted with an illuminated roof sign
- e) Provide sufficient means by which any person in the carriage may communicate with the driver;
- f) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- g) Have a watertight roof or covering;
- h) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- i) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted;
- j) Have seats that are properly cushioned and covered;
- k) Have a floor provided with a proper carpet, mat, or other suitable covering;
- l) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;

m) Provide means for securing luggage if the carriage is so constructed as to carry luggage:

n) Be fitted with an anti-lock braking system

o) Where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), the seat must:-

- be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage);
- be designed for use by an adult;
- have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).

p) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:

q) Be maintained in a sound mechanical and structural condition at all times;

r) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;

s) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.

t) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes

u) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

v) Electric vehicles that are fitted with a range extension device are permitted, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

w) Vehicles must be able to accommodate at least one wheelchair using passenger.

Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

Wheelchairs can be loaded from either the side or the rear of the vehicle

A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.

A suitable restraint must be available to the occupant of the wheelchair.

A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.

Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.

Vehicles presented to be licensed as a Hackney Carriage for the first time must be wheelchair accessible. They may be purpose built 'London-type' taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).

Application and Supporting Documentation

The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided.

Any person wishing to licence a hackney carriage vehicle must submit:

- a) A completed application form;
- b) A Basic, Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process);
- c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
- d) The appropriate licence fee (in full at the time of application);
- e) A current vehicle fitness/garage test pass certificate (from the Council's Garage);
- f) A valid certificate of insurance for public hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- g) The V5 registration certificate
- h) A valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements
- i) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks every 6 months in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of nonmechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

Once all of the information has been provided it may take up to 10 working days to issue the licence.

Taximeters

Taximeters must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled;
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

Fitness test requirements

The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council's nominated Garage.

The frequency of testing is once per year for vehicles up to 4 years old and twice per year for vehicles over 4 years old. Vehicles can be presented for test up to 8 weeks prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period.

All costs of the test are to be made by the vehicle proprietor. It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires.

Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted. Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

- If a vehicle fails its fitness test the licence will be suspended. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

V5 registration certificate

The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced, or a bill of sale. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a licence

To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist. In such circumstances the vehicle must not be used after the expiry date until the renewal plate has been issued.

Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

Vehicle not fit for the conveyance of passengers

Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the

licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours.

The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The Council will require the proprietor to arrange for a further fitness test to be undertaken and certificate produced before the vehicle will be permitted to operate.

Advertising

Proprietors may advertise on hackney carriages in accordance with the conditions set out at **Appendix J**. This is subject to prior approval from the Council.

Closed circuit television (CCTV)

Proprietors of hackney carriage vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. For further information:

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-docouncils-stand>

Trailers

Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix K** are complied with.

Ranks

The Highways section of Staffordshire County Council will work with the hackney carriage trade, Licensing and Staffordshire Police to determine where ranks/stands ought to be situated.

Where a driver is plying for hire and is illegally parked or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location, the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

LPG converted vehicles

The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.

In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is

not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

Electric and Zero Emission Capable Vehicles

The Council encourages and promotes the purchase of fully electric and zero emission capable vehicles to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of 'plug-in' points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

Hackney carriage fares

The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be notified to all hackney carriage licence holders, considered by Licensing Committee and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.

Licence conditions

The applicable conditions relevant to a hackney carriage licence are set out at **Appendix C**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

Change of proprietor.

The proprietor must give notice to the Council of any transfer in his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 7 days specifying the name and address of the person to whom the vehicle has been transferred.

Change of address

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

Retention of drivers licences

Where a Hackney Carriage is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employment. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint

determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation).

Inspection

The proprietor must present their hackney carriage for inspection/testing by the Council as required per year. The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours. Failure to do so may result in penalty points being awarded.

Production of documents

The proprietor must, on request, produce for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

Transporting children

As a minimum, vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

Category	Front seat	Rear seat	Who is responsible?
Child under 3	The right child restraint must be used	The right child restraint must be used If one is not available in a taxi, may travel unrestrained.	Driver
Child from 3rd birthday up to 13 cm in height (or 12th birthday, whichever they reach first)	The right child restraint must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint is not available: in a taxi; for a short distance in an unexpected necessity; if two occupied child restraints prevent fitting a third.	Driver
Child 12 or 13, or over 135 cm in height	Seat belt (or child restraint) must be worn if fitted.	Seat belt (or child restraint) must be worn if fitted.	Driver
All Passengers 14 and over	Seat belt must be worn if fitted.	Seat belt must be worn if fitted.	Passenger

Ranks

Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council may appoint ranks/stands for hackney carriages. It is not a mandatory statutory requirement for the Council to do so. Before providing ranks/stands the Council will liaise with the police and the highways department of Staffordshire County Council.

Fares

Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows. Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares.

Parking/waiting

Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them. The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986

3c. PRIVATE HIRE VEHICLES

Summary

Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.

When considering whether a vehicle is a private hire vehicle by the nature of the work it does, Tamworth Borough Council shall have regard to the document Private Hire Vehicle Licensing - A note for guidance from the Department for Transport (August 2011)

The Council does not limit the number of private hire vehicle licences that it will issue.

The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

All private hire vehicles shall be capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council.

Section 167 of the Equality Act 2010 requires Local Authorities to maintain and publish a list of all designated Wheelchair Accessible taxis and Private Hire Vehicles. The duties on drivers apply to drivers of vehicles in this list include:

- (a) to carry the passenger;
- (b) To carry their wheelchair/mobility aids
- (c) not to make, or propose to make, any charge for carrying out these duties;
- (d) to take reasonable steps to carry the passenger in safety and reasonable comfort;
- (e) to provide reasonable mobility assistance

Period of licence

Vehicle licences will be issued for 12 months.

Vehicle Specifications

Upon first application all vehicles must be less than 10 years old. Vehicles up to 4 years old will require an annual fitness test and twice per year for vehicles over 4 years old.

The following upper age limits apply:

- No vehicle licence will be renewed on any vehicle that is of 10 years of age.
- There will be no upper age limit on Electric /hybrid vehicles.

Licence applications for vehicles in “exceptional condition” which are outside of the Council’s policy, for example by age and type of vehicle, will be subject to additional checks relevant to the type of vehicle. Applicants must request the vehicle be checked by the Licensing Team in order to assess if it meets the require standard. This vehicle check must be completed at least a month before the licence plate expires. The compliance test must show no advisory’s or minor defects. An additional fee will be charged for vehicles outside of the Council’s policies to cover additional administration.

Vehicles must

- a) seat not less than 4 or more than eight passengers (not including the driver) and:
- b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will be considered subject to paragraph (e) below;
- c) It must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- d) To be licensed for Private Hire the vehicle must have uniform coloured paintwork.
- e) The Council encourages vehicles presented to be licensed for Private Hire for the first time to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
- f) Provide sufficient means by which any person in the carriage may communicate with the driver;
- g) All paintwork must be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
- h) Have a watertight roof or covering;
- i) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- j) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986. No additional film will be permitted;
- k) Have seats that are properly cushioned and covered;
- l) Have a floor provided with a proper carpet, mat, or other suitable covering;
- m) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- n) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- o) Be fitted with an anti-lock braking system
- p) Where tilting passenger seats are fitted (except where these are part of the manufacturer's original vehicle specification), the seat must:-
 - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage);

- be designed for use by an adult;
 - have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
- q) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:
 - r) Be maintained in a sound mechanical and structural condition at all times;
 - s) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
 - t) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
 - u) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
 - v) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
 - w) Electric vehicles that are fitted with a range extension device are acceptable, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

Wheelchair Accessible Vehicles

Vehicles must be able to accommodate at least one wheelchair using passenger.

Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.

Wheelchairs can be loaded from either the side or the rear of the vehicle

A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion. It is best practice to secure wheelchairs in a forwarding facing position.

A suitable restraint must be available to the occupant of the wheelchair.

A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.

Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations (e.g. Lifting Operations and Lifting Regulations 1998) for such devices and maintained in good working order.

Application and Supporting Documentation

The application process to licence a Private Hire vehicle is the same for a new or renewal application.

The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided.

Any person wishing to licence a Private Hire vehicle must submit:

- a) A completed application form;
- b) A Basic, Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process);
- c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
- d) The appropriate licence fee (in full at the time of application);
- e) A current vehicle fitness/garage test pass certificate (from the Council's Garage);
- h) A valid certificate of insurance for private hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- g) The V5 registration certificate
- h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks every 6 months in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non mechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

Once all of the information has been provided it may take up to 10 working days to

issue the licence.

Fitness test requirements

The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council's nominated Garage.

The frequency of testing is once per year for vehicles up to 4 years old and twice per year for vehicles over 4 years old. Vehicles can be presented for test up to 8 weeks prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period.

All costs of the test are to be made by the vehicle proprietor. It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires.

Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted. Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

- If a vehicle fails its fitness test the licence will be suspended. The licencing officer, in consultation with the proprietor of the vehicle will agree a time by which the vehicle must pass its fitness test. If it fails to pass by the agreed time the licence may be revoked.
- With respect to a licensed vehicle, in the event of a proprietor failing to present the vehicle for a fitness test (unless delayed or prevented by sufficient cause accepted and agreed in advance by the Council), the Council may suspend the licence and
- require the proprietor of that hackney carriage to return the plate to them within 72 hours. If the vehicle is not presented for its fitness test within 14 days of the suspension the licence may be revoked.

V5 registration certificate

The Council accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

Renewal of a licence

To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. Once a licence expires, is revoked (subject to a statutory appeal process) or surrendered, it ceases to exist.

Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

Vehicle not fit for the conveyance of passengers

Where a proprietor has notified the Council that damage has occurred to a vehicle, otherwise than in accordance with relevant road traffic legislation, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, the Council may at that time suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 72 hours.

The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. The Council will require the proprietor to arrange for a further fitness test to be undertaken and certificate produced before the vehicle will be permitted to operate.

Advertising

Proprietors may advertise on private hire vehicles in accordance with the conditions set out at **Appendix J**. This is subject to prior written approval from the Council.

Closed circuit television (CCTV)

Proprietors of private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. The relevant legislation must be adhered to. . If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. For further information:

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand>

Trailers

Private hire vehicles licensed by the Council are permitted to tow trailers when undertaking the licensed activity providing that the conditions set out at **Appendix K** are complied with at all times.

Meters

Private hire vehicles will not require a meter. However if a meter is fitted, it must be:

- certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device

must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

- calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares agreed by the Council;
- calendar controlled
- fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances; and
- have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon.

LPG converted vehicles

The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. To this end, the Council will undertake checks with the UK LPG Vehicle Register.

With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application

In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion and provide the LPG Association Conversion Certificate, the Council will suspend the vehicle licence until such time as the certificate is produced. If the certificate is not produced within 28 days from the date the licence was suspended the Council will revoke the licence.

In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will suspend the licence until such time as the conversion has been undertaken correctly and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 3 months from the date the licence was suspended the Council will revoke the licence.

Electric and Zero Emission Capable/Hybrid Vehicles

The Council encourages and promotes the purchase of fully electric and zero emission capable or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of 'plug-in' points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities. The Council support the use of electric vehicles that are fitted with a range extension device, providing that it is approved by the manufacturer and fitted by a suitably qualified professional.

Licence conditions

The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix C**. These conditions are in addition to any matters set out within the main body of the Policy.

Main legal requirements

Change of proprietor

The proprietor must give notice to the Council of any transfer in his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 7 days specifying the name and address of the person to whom the vehicle has been transferred.

Change of address

The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

Retention of drivers licences

Where a Private Hire is working for an Operator they must ensure that each driver's licence is lodged with the operator before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves their employment, the operator must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

Inspection

The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 2 times per year. The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

Accidents

The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

Production of documents

The proprietor must, on request, produce for inspection the private hire vehicle licence and insurance certificate within 7 days.

Return of identification plate

Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plate within 7 days.

Transporting children

As a minimum, private hire vehicles must be capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair.

Category	Front seat	Rear seat	Who is responsible?
Child under 3	The right child restraint must be used	The right child restraint must be used. If one is not available in a taxi, may travel unrestrained.	Driver
Child from 3rd birthday up to 135 cm in height (or 12th birthday, whichever they reach first)	The right child restraint must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint is not available: In a taxi; for a short distance in an unexpected necessity; if two occupied child restraints prevent a third.	Driver
Child 12 or 13, or over 135 cm in height	Seat belt (or child restraint) must be worn if fitted	Seat belt (or child restraint) must be worn if fitted.	Driver
All Passengers 14 years and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

Ranks/stands

A private hire vehicle must not wait on any rank/stand. It is an offence to do so and may result in enforcement action being taken against the driver.

Parking/waiting

Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.

The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.

Private Hire Vehicle Exemption Certificates

The Local Government (Miscellaneous provisions) Act 1976 requires that a District must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate or disc as directed by the Council.

The Local Government (Miscellaneous provisions) Act 1976 s75 (3) gives the District Council the discretion to grant a proprietor an exemption from displaying the licence plate on their private hire vehicle.

Executive hire vehicles are private hire vehicles with an additional application to be made for an exemption to display the licence plate and side identification stickers. They are high value, prestige vehicles that are used by companies for transporting special guests or senior

members of staff in luxury. Executive hire vehicles are styled more as chauffeur driven vehicles than standard private hire vehicles.

Each application for an executive hire vehicle will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licenced vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.

Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor to the authority.

In determining an application it will normally be the executive nature of the work that will indicate whether or not the exemption should be granted, as well as the specification and high quality of the vehicle being used.

If the applicant for an executive Hire Vehicle has ever been cautioned or convicted by any authority of unlawfully plying for hire, the council may refuse to allow the applicant to have a vehicle licensed for executive hire.

Separate conditions apply to Executive Hire Vehicles with the exemption to display the vehicle plate. These are set out in Appendix D.

Executive Hire Vehicles should have the following features as a minimum in order to be considered for licensing, this list is not exhaustive:-

- High quality vehicle in terms of brand and condition, with no visible defects, dents or blemishes to the external bodywork or trim
- Luxury or prestige vehicle
- Engine size of 2000cc or greater
- Automatic transmission
- Minimum specification of air conditioning/climate control to front and rear seats, all electric windows, central locking and suitable front and rear headrests for all passengers.

Executive hire vehicles are to be used for purposes such as corporate bookings to transport employees and clients on business related journeys, and bookings where customers have asked to book a vehicle without obvious private hire plates or signage. The Council closely monitors the use of executive hire vehicle, such vehicles are not to be used as standard private hire vehicles.

On the grant of an executive hire licence the council will issue an executive hire window badge for display in the front and rear window.

The drivers of executive hire vehicles are exempted from the requirement to wear a drivers badge. However the Council would expect the badge to be carried in the vehicle and to be available for inspection by an authorised officer of the council or a police officer.

Limousines, Novelty Vehicles and Vintage Vehicles

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding,

eight passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).

Limousines will be licensed by the Council however, the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out in Appendix E. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may submit an application for a Private Hire Vehicle Exemption Certificate.

The following documentation must be produced prior to licensing:

- a. Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
- b. Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
- c. Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)

In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with by a case by case basis and referred to the Council's Licensing Committee for determination

3d. PRIVATE HIRE OPERATORS

Summary

Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

Period of licence

Licences will be issued at a standard length of 5 years. Any shorter duration licence will only be issued if a licensee has requested this and it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holders leave to remain in the UK is time-limited) or when the licence is only required to meet a short term demand. Licences will not be issued on a probationary basis in accordance with the Statutory Taxi & Private Hire Vehicle Standards.

Application process

The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

The application process to licence a private hire operator is the same for a new or renewal application.

Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate); A check of the Companies House register may be undertaken to confirm these details;
- Tax check code
- Proof of Right to Work
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate
- a basic DBS certificate issued within the last 3 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); for each director, partner and company secretary;
- Relevant insurance documentation
- a schedule of all employees indicating those staff who take bookings and dispatching vehicles;
- details of their policy regarding the employment of ex-offenders

The schedule of employees must be kept up to date with any changes notified in writing to

the licensing authority.

Any changes of director, partner or company secretary must also be notified in writing to the Licensing Authority

Disclosure & Barring Service Check

All applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

The applicant must also prove that all employees that work for them and who take bookings, dispatch vehicles, or have access to booking records are fit and proper people to be employed in such positions. They must provide evidence that they have seen a basic DBS for such employees who are not Tamworth Borough Council licensed drivers and also evidence that it is a condition of their employment that they will inform the employer of any criminal convictions they receive during their employment.

Where the applicant or employee already holds a valid Hackney Carriage & Private Hire Drivers Licence a DBS certificate will not be required. If the applicant or employee is not a licensed driver then they will be required to submit a Basic DBS certificate. For a Basic Certificate: Applicants can apply to the DBS online at <https://www.gov.uk/government/organisations/disclosure-and-barring-service> or through a Responsible Organisation.

A DBS check on all relevant persons will be made annually unless the holder of a valid dual drivers licence whereby the check will be made every 6 months, therefore we recommend subscribing to the DBS update service to save incurring unnecessary extra costs.

Enquiries may be made through Staffordshire Police (or other relevant force), other local authorities and any other organisation, agency or person that the Council has deemed appropriate to seek information from

The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at section 3a of this Policy.

Applicants must have a UK traceable DBS record of at least 5 years or if the applicant has not been resident in the UK for an unbroken period of at least 5 years have obtained a Certificate of Good Conduct from the Consulate of the applicant's country of origin (at their own cost). The certificate must be translated.

Further information can be found at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the GOV.UK website at <https://www.gov.uk/government/world>

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at fcocorrespondence@fco.gov.uk or by post at the FCO, King Charles Street, London, SW1A 2AH.

Operator's premises

The Council will not grant an operator's licence unless the operator can demonstrate to the Council that they have the appropriate planning consent required to operate their business.

The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

The Council will not grant an operator's licence to apply to any physical premises that falls out of the administrative area of Tamworth Borough Council.

There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all laws have been complied with, including the Equality Act 2010.

Insurance

Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.

The operator must also obtain information as to any requirement for them to have Employers Liability indemnity; if there is such a requirement, it must be for a minimum of £1,000,000.

Record keeping

Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer

Under the conditions the operator is required to keep a number of different forms of record namely:

- Booking records (to include which member of staff took the booking when the booking
- is taken by a person and not a computerised method);
- Operator vehicle schedule;
- Operator driver schedule;

Each of these records must be kept up to date and retained by the operator for a period of at least 12 months (as per conditions of licence).

Closed circuit television (CCTV)

Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the vehicle.

Complaints Procedure

Operators are required to have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.

The complaints procedure and compliant records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate.

Licence conditions

Applicable conditions relevant to a private hire operator licence are set out at Appendix F. These conditions are in addition to any matters set out within the main body of the Policy

Child Sexual Exploitation and Disability Awareness

All new operators are required to complete Child Sexual Exploitation training and Disability awareness training and existing operators are required to complete refresher training every 3 years.

Failure to complete the training within the required time, could result in the licence being suspended until the required training has been completed.

Main legal requirements

Contract

Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking.

Transporting children

As a minimum, operators must ensure the vehicles they operate are capable of complying with the requirements set out in the table below. For clarity children should not travel in a push chair

Category	Front seat	Rear seat	Who is responsible?
Child under 3	The right child restraint must be used	The right child restraint must be used. If one is not available in a taxi, may travel unrestrained.	Driver
Child from 3 rd birthday up to 135 cm in height (or 12 th birthday, whichever they reach first)	The right child restraint must be used	The right child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if the right child restraint not available: in a taxi; for a short distance in an unexpected necessity; two occupied child restraints prevent fitting of a third.	Driver
Child 12 or 13, or over 135 cm in height	Seat belt (or child restraint) must be worn if fitted	Seat belt (or child restraint) must be worn if fitted.	Driver
All Passengers 14 and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

PART 4 – COMPLIANCE, ENFORCEMENT AND COMPLAINTS

Summary

This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

Compliance and enforcement

The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Corporate Enforcement Policy. In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of Tamworth Borough Council, other local authorities and the police.

The Council will work closely with other enforcement authorities, particularly Staffordshire Police when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.

Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence.

Breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Councils enforcement policy and will be referred to the duly authorised officer. Repeated breaches of licence conditions will result in the matter being referred to the Licensing Committee.

The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically be referred to the Licensing Committee. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.

The points list is not exhaustive and the licencing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.

A driver can appeal any points awarded by writing to the Head of Environmental Health.

The Council has a Corporate Enforcement Policy which it will take into account before taking any enforcement action. The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.

Authorised Officers will be authorised to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.

The Council will investigate all valid complaints with regard to drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by the licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised officer of the Council or Licensing Committee.

An authorised officer of the Council /Licensing Committee will consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council will consider whether the driver is a fit and proper person to hold such a licence.

Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving, either due to the maintenance and safety of their vehicles, or in the manner of their driving. The Council expects all licence holders to adhere to the specifications set out in this Policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.

Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interviews and vehicle inspections, and producing documentation upon request.

Enforcement Options

Licence application and enforcement decisions will always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria will be considered including the:-

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- danger to the public.

Having considered all relevant information and evidence, the choices for action are:-
Licence Applications:

- grant licences subject to the Council's Standard Conditions;
- refuse to grant a licence.
- Grant for a limited time period

- take no action;
- take informal action;
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute;

Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the Licensing Committee.

This Council will have regard to the Convictions Guidelines at Appendix H.

Informal Action

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.

Such informal enforcement actions may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is generally high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.
- Failure to notify of a conviction that would not in itself breach the guidance on determining the suitability (Appendix H) outlined in this policy

Details of any informal action will be recorded on the councils' records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted. When a licence holder has received three warnings in a 3 year rolling period their licence will be referred to the Licensing Committee to determine whether any further action is required.

Appearance before the Licensing Committee

An offending individual or company may be summoned before the Licensing Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.

The Licensing Committee have the option of deciding the application on its merits, and may:

- Take no action;
- Give a written warning;

- require the production of driving licences or other specified documentation at the Council's office or other suitable location as communicated by the Licensing Team;
- suspend the licence, upon setting conditions, or for a period of time;
- revoke the licence;
- recommend prosecution action.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

The Licensing Committee will have regard to the guidance on convictions shown at Appendix H of this policy.

Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

An authorised officer may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.

This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the officer is satisfied with the condition of the hackney carriage or private hire vehicle.

This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users. Details of the appeals procedure will be set out in the written notification of action sent by the Council.

Prosecution

The decision to prosecute is a very significant one. Prosecution will, in general be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner, and be proportionate to the circumstances.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a
- disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers or
- other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;

- where a particular contravention has caused serious public alarm.

Officers will take account of the Corporate Enforcement Policy when circumstances have been identified which may warrant a prosecution.

Simple Cautions

A simple caution may be used as an alternative to a prosecution in certain circumstances.

Complaints

Where appropriate, complainants will be encouraged to raise complaints with the relevant licence holder or business concerned. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

The authority will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Data held within the system will be used to target compliance and enforcement activity as well as to provide a picture of the potential risks a licence holder may pose. It will also be used as part of the 'balance of probabilities' assessment required in any licence review undertaken as a result of multiple or serious complaints.

PART 5 - FARES & FEES

The Council's policy is that the fees charged by the authority should meet the cost to the authority to administer the service. The service provided in relation to hackney carriages and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is in line with Council's charging policy.

Review and Setting of fees

The Council may review the licence fees annually. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade.

Private hire rates

The Council has no power to regulate the rate for private hire vehicles. However the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey.

Hackney carriage tariffs

The Council sets the Table of Fares (or Tariffs) for hackney carriage journeys and they are the maximum charges that Hackney Carriages can charge for journeys wholly within the Borough's administrative area and the rate at which the taximeters must be calibrated to in order for them to calculate journey fares. These will be reviewed upon request by the trade, with a view to any changes coming into effect within 6 months of the review. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by virtue of section 67 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey

The Table of Fares (or Tariffs) is published on the Council's website.

It is an offence to charge more than the maximum metered fare for any journey that starts and ends within the Borough. A fixed price can be agreed before the journey commences but it must not exceed the maximum metered fare.

PART 6 – LICENSING CONTACT DETAILS

Contact details

For information, advice and guidance relating to hackney carriage and private hire licensing please contact:

Tamworth Borough Council, Growth & Regeneration, Licensing Team, Marmion House
Lichfield Street Tamworth Staffordshire B79 7BZ

Telephone: 01827 709709

Email: taxi-licensing@tamworth.gov.uk

CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Introduction

Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons in relation to child sexual exploitation and trafficking.

General information

Tamworth Borough Council's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the County Council and the Staffordshire Safeguarding Children Board.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Children Social Care First Response Service helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background. Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming children and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licenced drivers and private hire operators are in an ideal position to help protect young people. In particular, drivers should ask themselves the following questions when picking up a fare:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns and share information with Staffordshire Police (Tel: 101) and Staffordshire Children Social Care First Response Service (Tel: 08001313126).

If a child is in immediate danger phone 999

Further information about Safeguarding Children can be found at:

[Home - Staffordshire Safeguarding Children Board \(staffscb.org.uk\)](http://staffscb.org.uk)

All drivers and operators are expected to attend Child Sexual Exploitation (CSE) training and any updates provided throughout their licence period. Tamworth Borough Council provides training in (CSE). Attendance of this training is compulsory on initial application and compulsory refresher training every 3 years is required.

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE - CONDITIONS OF LICENCE

Hackney Carriage & Private Hire (Combined) Driver Licences are issued subject to the following conditions. Drivers are advised to study these conditions carefully, and are warned that their licence may be revoked for non-compliance.

All the offences listed in the Penalty Points Scheme are included as relevant conditions.

The Driver must behave in a professional and courteous manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to feel uneasy or take offence at their actions
- Cause any person to believe their actions are inappropriate (this may include the use of social media, whether in the context of work or otherwise)
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity; and
- Bring into disrepute the integrity of the Council for having issued a licence to such person.

The Driver must be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

The Driver must wear the driver badge issued by the Council in a position that is clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.

The Driver must display their dashboard licence on the vehicle dashboard. It shall be in a safe position as to be plainly and distinctly visible to the hirer(s), but not so that it affects the driver's view of the road.

The Driver must not at any time lend or give their badge or licence to any other person, except for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.

The Driver must report the loss of the licence and/or badge(s) to the Licensing Team as soon as such loss becomes known, and arrange for the issue of any replacement and make payment for any appropriate fee.

The Driver must, before commencing to drive the vehicle, deposit a copy of their Hackney Carriage & Private Hire Driver licence with their Private Hire Operator for retention by the Operator until such time as they cease to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.

The Driver must not drive a licensed vehicle without the licence plate being securely attached to the backing plate supplied by the Council and positioned either directly above or below the rear vehicle registration number plate (except for those Private Hire Vehicles that have been granted an Exemption Notice) or as determined by an authorised officer.

The Driver must ensure that before the vehicle is used, that copies (either physical or electronic) of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.

The Driver must not carry any other person in the vehicle without the permission of the hirer.

The Driver must if asked by the passenger, indicate the route they are going to take, subject

to any directions given by the hirer.

The Driver must deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause, or is otherwise directed by the hirer.

The Driver must:

- Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
- Give reasonable assistance in loading and unloading luggage;
- Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
- Offer reasonable assistance to elderly, vulnerable or disabled persons with entering or getting out of the vehicle, and any other reasonable assistance during the course of the journey.

The Driver must offer and provide any necessary assistance to wheelchair users when entering or getting out of the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person, who is accompanied by his / her assistance dog, or by a person who wishes a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle must, carry the passenger and his/her dog. They should ask the passenger where they want themselves and their dog to sit in the vehicle and allow it to remain with the passenger if requested and not make any additional charge. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

The Driver must, if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he or she agrees to carry the passenger and his/her animal(s). The driver is not compelled to convey any other type of animal than an assistance dog.

The Driver must, if asked to transport an unaccompanied child and/or if a passenger requests that the Driver wait until they are safely inside the building, agree to such requests.

The Driver of a Private Hire vehicle must provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This enables all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

The Driver must provide a written receipt to the hirer if requested to do so. The receipt will detail the date and time the journey started, the starting and finishing address, the cost or fare charged, the driver's full name and Tamworth Borough Council issued driver/badge Number.

The Driver must immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.

Licence holders are required to notify the Licensing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence or alleged offence, any offence involving dishonesty or violence and any motoring offence. This includes being interviewed by the police about any such allegation. An arrest or interview under caution for any of these offences within this scope will result in a review by the licensing authority as to whether the

licence holder is fit to continue to hold a licence. This does not mean that a licence will be automatically withdrawn, the licensing authority will consider what, if any, action in term of the licence should be taken based on the balance of probabilities. A failure by a licence holder to disclose an arrest that the licensing 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.

The Driver must notify the Licensing Officer in writing, within 5 working days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.

The Driver must notify the Council in writing as soon as possible and in any event within 10 working days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety at the Council's third party approved provider.

The Driver must notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 7 days.

The Driver must notify the Council in writing of the acceptance of any fixed penalty received within 5 working days. The driver must subsequently inform the Council immediately following its endorsement.

The Driver must declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

The Driver must have regard to Staffordshire Police's policy in relation to lost property. Any lost property found within or originating from the vehicle must be reported to the Tamworth Borough Council's Licensing Team and if it was a pre-booked journey, the Operator.

The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.

The Driver must not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages in connection with the operation of the vehicle, without the express consent of the hirer.

The Driver must not eat or drink (with the exception of water) in the vehicle whilst a passenger or passengers are on-board.

The Driver must not at any time use electronic cigarettes and/or vaping equipment) or permit any passenger to use electronic cigarettes/ vaping equipment) in any licensed Hackney Carriage or Private Hire vehicle.

The Driver must not wilfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

The Driver must not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.

The Driver must not whilst driving or in charge of a Private Hire Vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall,

within sight of a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.

The Driver must not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.

The Driver of a vehicle equipped with a taximeter must ensure that the table of fares is displayed in a clearly visible position in the vehicle, provide an explanation of the table of fares if so requested by the passenger, and make available upon request to any Authorised Officer.

The Driver must when driving a Hackney Carriage vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.

The Driver must when driving a Hackney Carriage vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey

The Driver must if the vehicle is involved in an accident, inform the vehicle proprietor as soon as practicably possible, in order that the vehicle proprietor and/or vehicle driver may contact the Licensing Officer within 72 hours of the incident occurring.

The Driver must if the vehicle is involved in an accident, complete an accident report form providing his or her name and address and any other reasonable details, the vehicle proprietors name and address, details of the vehicle insurance, and the licence number and registration number of any vehicle affected.

The Driver must when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages, proceed to another stand, and not park on or near a taxi rank that is full.

The Driver must when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.

The Driver must when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.

The Driver must when driving a Hackney Carriage not park on a rank in the Tamworth Borough for any purpose other than for standing for hire.

The Driver must carry a copy (either physical or electronic) of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Hackney Carriage & Private Hire (Combined) Driver licence, and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

The Driver will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

HACKNEY CARRIAGES & PRIVATE HIRE VEHICLES: CONDITIONS OF LICENCE

Hackney Carriage and Private Hire Vehicle licences are issued subject to the following conditions. You are advised to study these carefully and you are warned that for non-compliance with any one condition, the licence may be revoked or suspended.

All the offences listed in the Penalty Points Scheme are included as relevant conditions.

The vehicle licence will be valid for a period of up to 12 months and must be renewed on or before the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.

The Proprietor of a licensed vehicle must not cause or allow the vehicle to be used unless:

- The Driver of the vehicle holds a Hackney Carriage & Private Hire (Combined) Driver Licence issued by Tamworth Borough Council, and is insured by the proprietor, to drive the vehicle.
- The number of the vehicle licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed, by means of the Licence Plate and bracket issued by the Council to the Proprietor.
- The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured.
- The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.

The Licence Plate referred to in these Conditions will remain the property of the Council and must be returned within 7 days to the Licensing Team, at Marmion House, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle, or has been suspended or revoked.

The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Licensing Team as soon as such loss becomes known.

The Proprietor must ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.

The vehicle must be a single uniform colour.

The interior and exterior of the vehicle must be kept in a clean condition and maintained in a safe condition by the Proprietor.

The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.

The Proprietor must permit an Authorised Officer or any Police Constable to inspect the

vehicle at all reasonable times.

The Proprietor must present the vehicle for inspection and testing, to an Authorised Officer, at any time and place within the Borough of Tamworth as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.

If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.

All accidents must be reported to the Licensing Team, in writing, within 72 hours of the accident occurring. Such a responsibility is that of the Vehicle Licence Holder and the Driver of the vehicle at the time of the accident.

The proprietor of a Hackney Carriage or Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires taking out of service / replacing, and who wishes to continue to use the vehicle as a licensed Hackney Carriage or Private Hire Vehicle shall make the vehicle available to the Authorised Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service.

If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken, these must be undertaken within 28 days of the damage occurring and a letter authorising the use of the vehicle for a maximum period of 28 days will be issued by the Authorised Officer and shall be retained within the vehicle during the permitted period.

If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle, the vehicle licence will be suspended.

The vehicle must be repaired before the plate is re-affixed and the suspension can be lifted and the vehicle can return to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

A Hackney Carriage Vehicle must have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and on the rear, unless a sign is manufactured into the body work of the vehicle.

A Private Hire Vehicle must display signs on the front doors of the vehicle identifying the Private Hire Firm, giving the name and telephone number. Magnetic signs to cover the permanent signs are only permitted if a driver operates for an additional licensed Operator and are not permitted in any other circumstance. The use of magnetic door signs on a vehicle which carries an exemption from displaying signage is forbidden.

A Private Hire Vehicle must not display any sign or notice:

- which consists of or includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular

or plural or as part of another word; or

- which consists of the words 'FOR HIRE'; or
- Where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.

General advertising must be in accordance with Appendix J.

Wheelchair Access Vehicles have spaces reserved for the carrying of wheelchairs. The restraining mechanisms are designed purposely for the restraint of wheelchairs only.

Pushchairs must be folded and secured in the luggage compartment of the vehicle, infants should be safely restrained in a passenger seat in compliance with the seat belt regulations. Infants must not be transported in a pushchair.

Only items belonging to passengers may be carried in the luggage space of the vehicle, (i.e. no cleaning products, oils etc. belonging to the vehicle or driver may be carried).

Animals belonging to the Proprietor or the driver must not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle with the exception of guide or assistance dogs which will remain with the hirer at all times (even if they are in the front) and which must be carried free of charge.

The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:

- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear;
- Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded;
- When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity.

The Hackney Carriage fare shall not exceed the rate of fares set by the Council;

The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.

The Proprietor of a licensed Hackney Carriage must not allow the vehicle to be used unless the table of fares fixed by this Council is displayed clearly inside the vehicle. Where other fares are programmed into the meter there must also be a table of fares displayed for the additional fares.

The Proprietor of a licensed Private Hire Vehicle in which a taximeter is installed must not allow the vehicle to be used unless there is on display the table of fares fixed by him which he proposes to charge.

If the proprietor wishes to surrender the licence at any time, he or she must do so by way of written confirmation to the Licensing Team, and the vehicle licence and licence plate be returned to the Licensing Team within 7 days of the notification of surrender.

Should the licensed vehicle be sold to another person the vehicle licence will be required to be transferred. An application together with certificate of insurance and vehicle log book will be required to be submitted within 7 days of the sale.

The Proprietor of a licensed vehicle shall ensure that copies (either physical or electronic) of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:

- Vehicle Log Book
- Valid Certificate of Insurance
- Vehicle Licence

And the Proprietor shall produce the following original documents at the request of an Authorised Officer of the Council (either straight away or at the main Council Offices or other suitable location as communicated by the Licensing Team, within five working days of the request being made):

- Vehicle Log Book
- Valid Certificate of Insurance
- Vehicle Licence

At all times the proprietor of a licensed vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.

Any change of vehicle on insurance must be notified to the Council on or before the change takes place.

On changing address the Proprietor of a licensed vehicle must return the licence, for amendment, to the Licensing Team within 7 days of the change, together with the appropriate fee.

The licence must be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.

The Proprietor of a licensed vehicle must maintain a list of names and addresses of all drivers of the vehicle, and maintain a record that provides information as to which driver has use of the vehicle at all times, and produce this information to the Licensing Team on request.

Where the vehicle is licensed as a Private Hire Vehicle or Hackney Carriage with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority will be subject to revocation.

The Proprietor of a licensed vehicle who has agreed, undertaken, or has been hired to be in

attendance with the vehicle at an appointed time and place must, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.

Private Hire Vehicles must not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.

All bookings for Private Hire Vehicles must be made in advance. All Private Hire Vehicles must display door signs that state all bookings must be made in advance, i.e. 'ADVANCE BOOKINGS ONLY'.

The Proprietor must ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

The Proprietor/Driver of a licensed vehicle must ensure that:

- There is no smoking of electronic cigarettes/vaping equipment within the vehicle at all times. This applies to both drivers and passengers;
- and No smoking signs are displayed within the vehicle. One on each rear passenger door window and one on the front dash.

Vehicle Licence proprietors are required to notify the licensing authority within 48 hours of being bailed, arrested, cautioned, reprimanded or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence, which you are suspected of having committed.

The proprietor must notify the Council in writing of the acceptance of any fixed penalty endorsement within 5 working days. The proprietor must subsequently inform the Council immediately following its endorsement.

The proprietor of a licensed vehicle must within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.

The proprietor of a licensed vehicle must not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

The proprietor of a Hackney Carriage or Private Hire vehicle must provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Vehicle Licence during the period that the vehicle is utilised so.

The proprietor of a Hackney Carriage or Private Hire vehicle must notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 7 days.

The proprietor of a Hackney Carriage or Private Hire Vehicle must ensure information is displayed within the vehicle, clearly visible on how customers are able to make complaints to Tamworth Borough Council.

The vehicle proprietor will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

The proprietor of a Hackney Carriage or Private Hire vehicle must ensure that a copy (either physical or electronic) of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.

Requirements of the Hackney Carriage Byelaws, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

Hackney Carriage Byelaws

1. Throughout these byelaws "the Council" means the Mayor Aldermen and Burgesses of the Borough of Tamworth, acting by the Council, and "the district" means the Borough of Tamworth.

2.

a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto. (Plate provided for outside and Tariff Card provided for inside).

b) A proprietor of a hackney carriage shall:

not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

3. The proprietor of a hackney carriage shall:

provide sufficient means by which any person in the carriage may communicate with the driver;

cause the roof or covering to be kept water tight;

provide any necessary windows and a means of opening and closing with not less than one window on each side;

cause the seats to be properly cushioned or covered;

cause the floor to be provided with a proper carpet, mat, or other suitable covering;

cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for public service;

provide means of securing luggage if the carriage is so constructed as to carry luggage;

provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;

provide at least two doors for the use of persons conveyed in such carriage

and a separate means of ingress and egress for the driver;

cause the carriage to be fitted with a "TAXI" sign which shall be capable of illumination and which shall be illuminated during the hours of darkness only when the carriage is standing or plying for hire within the Borough. For the purpose of this Byelaw "the hours of darkness" shall be the hours in which lighting up times operate in the Borough. The sign shall be attached to the roof or rack, and be of overall size not less than 9 inches long and 4 inches high and showing the work "TAXI" to the front of the carriage in letters not less than 3 inches high and of proportionate width;

cause the carriage to be fitted with an interior light of sufficient brightness to reasonably illuminate the interior of the carriage;

cause the carriage to be provided with a spare wheel and tyre in such a condition that it is readily available for use in the case of a punctured or damaged tyre or wheel together with all the necessary tools and equipment for readily effecting the replacement.

- 4 The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the work "HIRED" to appear on the face of the taximeter;
 - b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. A proprietor of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

6. A proprietor of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
7. The proprietor of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
8. A proprietor of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons determined by the Council and specified on the plate attached to the outside of the carriage.
9. Every proprietor of a hackney carriage who knowingly conveys in the carriage the dead body of any person shall immediately thereafter notify the fact to the Medical Officer of Health/Consultant for Communicable Disease Control via Tamworth Borough Council.
10. The Proprietor of a hackney carriage shall not permit the exhibition of any advertisement in or upon such carriage, unless it shall have been previously approved by the Council.
11. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed by the Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Where a hackney carriage furnished with a taximeter is hired by distance the proprietor shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
12.
 - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - b) The proprietor of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
13. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
14. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be

found by or handed to him:

- a) Carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge on his giving a receipt for it;
- b) Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

Any person contravening the byelaws shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale and in the case of a continuing offence to a further fine of two pounds for each day after written notification of the offence has been given by the Council.

Exceptional Age Policy

Hackney Carriages vehicles licensed by Tamworth Borough Council can continue to have their licenses renewed until they reach 12 years of age from the date of registration. Private Hire vehicles licensed by Tamworth Borough Council can continue to have their licences renewed until they reach 10 years of age from the date of registration.

If the licence holder wishes to continue to renew the vehicle licence after its standard working life then application can be made for an annual extension to the licence as follows:

- a. The owner of a hackney carriage or private hire vehicle whose vehicle is approaching 12 years or 10 years of age respectively will be required to notify the Licensing Authority in writing at the time of making an application for the grant of a licence that they wish to extend the operating life of their existing vehicle by twelve months in accordance with the Exceptional Vehicle Age Policy.
- b. In subsequent years the owner of a hackney carriage or private hire vehicle, who has been granted a licence in accordance with the Exceptional Vehicle Age Policy at the last date of licensing, shall notify the Licensing Authority at least six months prior to submitting a renewal application, that he intends to seek a further extension to the operating life of the vehicle.
- c. The examination and inspection of any vehicle in accordance with this policy shall take place on the second scheduled test date preceding the renewal date for the vehicle's licence. This applies to initial requests for consideration under this policy and all subsequent requests.
- d. The criteria detailed below are in addition to all current vehicle test criteria requirements.
- e. The Licensing Authority's test station shall be authorised to examine and approve the vehicle's mechanical condition in accordance with this policy.
- f. A duly authorised officer of the Licensing Authority or its nominee will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below: -

Criteria

- a) The vehicle must have a full, unbroken, continuous history of testing for its Certificate of Fitness
- b) In order for a vehicle to be considered suitable for an operating extension under this policy it must have successfully passed two of its last three fitness tests on first submission in the twelve months preceding the second scheduled test date.
- c) The bodywork of the vehicle must be in near perfect condition with no substantial dents, damage or corrosion being evident.
- d) Paintwork should be unblemished and have a good overall colour match.
- e) The interior and exterior trim must be complete.
- f) All interior fittings must be in place and working.
- g) No excessive loose wiring should be evident hanging from the dashboard.
- h) All carpets, where provided, must be in a clean well-fitted and secure state with no unduly worn areas.
- i) The boot and luggage compartment must be clean, uncluttered and watertight.
- j) There shall be no evidence of leakage of fuel from the vehicles fuel filler cap.

PRIVATE HIRE VEHICLE – EXECUTIVE VEHICLE SUPPLEMENTARY CONDITIONS OF LICENCE

Hackney Carriage & Private Hire (Combined) Driver Licences are issued subject to the following conditions. Drivers are advised to study these conditions carefully, and are warned that the licence may be revoked for non-compliance. These conditions only apply when driving an Executive Hire Vehicle with Plate Exemption.

Not all the offences listed in the Penalty Points Scheme are included as relevant conditions, only those that are applicable.

The Driver must behave in a professional and courteous manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:

- Cause any person to feel uneasy or take offence at their actions
- Cause any person to believe their actions are inappropriate (this may include the use of social media, whether in the context of work or otherwise)
- Cause any person to fear for their physical safety
- Cause any person to doubt their integrity; and
- Bring in to disrepute the integrity of the Council for having issued a licence to such person.

The Driver must be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.

The Driver must carry the driver badge issued by the Council and if requested produce it on demand to the passenger or Authorised Officer.

The Driver must carry their dashboard licence and if requested produce it on demand to the passenger or Authorised Officer.

The Driver must not at any time lend or give his/her badge or licence to any other person, except for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.

The Driver must report the loss of the licence and/or badge(s) to the Council as soon as such loss becomes known, and arrange for the issue of any replacement and make payment or any appropriate fee.

The Driver must, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage & Private Hire (Combined) Driver licence with his/her Private Hire Operator for retention by the Operator until such time as he/she ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.

The Driver must not drive a licensed vehicle without the windscreen/rear window identification notice being attached.

The Driver must ensure that before the vehicle is used, copies (either physical or electronic)

of the Certificate of Insurance, Log Book and vehicle licence are available within the vehicle, so as to be available to an Authorised Officer upon request.

The Driver must not carry any other person in the vehicle without the permission of the hirer.

The Driver must if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.

The Driver must deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause, or is otherwise directed by the hirer.

The Driver must:

- Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
- Give reasonable assistance in loading and unloading luggage;
- Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
- Offer reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.

Driver must offer and provide any necessary assistance to wheelchair users when entering or getting out of the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person, who is accompanied by his / her assistance dog, or by a person who wishes a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle must, carry the passenger and his/her dog. They should ask the passenger where they want themselves and their dog to sit in the vehicle and allow it to remain with the passenger if requested and not make any additional charge. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.

The Driver must, if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he or she agrees to carry the passenger and his/her animal(s). The driver is not compelled to convey any other type of animal than an assistance dog.

The Driver must, if asked to transport an unaccompanied child and/or if a passenger requests that the Driver wait until they are safely inside the building, agree to such requests.

The Driver of a Private Hire vehicle must provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This enables all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

The Driver must provide a written receipt to the hirer if requested to do so. The receipt will

detail the date and time the journey started, the starting and finishing address, the cost or fare charged, the driver's full name and Tamworth Borough Council issued driver/badge Number.

The Driver must immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.

The Driver must have regard to Staffordshire Police's with regard to lost property. Any lost property found within or originating from the vehicle must be reported to Tamworth Borough Council's Licensing Team and if it were a pre booked journey, the operator.

The Driver must not sound the vehicle horn when arriving at an address to pick up passengers.

The Driver must not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages in connection with the operation of the vehicle, without the express consent of the hirer.

The Driver must not eat or drink (except for water) in the vehicle whilst a passenger or passengers are on-board.

The Driver/Proprietor must notify the Licensing Officer in writing, within 7 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.

The Driver must notify the Council in writing as soon as possible and in any event within 10 working days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety at the Council's third party approved provider.

The Driver must notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 7 calendar days.

The Driver must declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.

Driver Licence holders are required to notify the licensing authority within 48 hours of being bailed, arrested, cautioned, reprimanded, or are involved in an investigation, charged with or convicted of any criminal offence and interviewed under caution at a police station for any offence which you are suspected of having committed.

The proprietor must notify the Council in writing of the acceptance of any fixed penalty endorsement within 5 working days. The proprietor must subsequently inform the Council immediately following its endorsement

The Driver must not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.

The Driver must not whilst driving or in charge of a Private Hire Vehicle park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, within sight of a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.

The Driver must not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.

The Driver must carry a copy (either physical or electronic) of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Hackney Carriage & Private Hire (Combined) Driver licence, and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

All new proprietors, unless they are holders of a Hackney Carriage & Private Hire Combined Drivers Licence issued by Tamworth Borough Council are required to complete Safeguarding training (including Child Sexual Exploitation and County Lines) and complete refresher training every 3 years.

The vehicle licence will be valid for a period of up to 12 months and must be renewed on or before the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.

The Proprietor of a licensed vehicle must not cause or allow the vehicle to be used unless:

- The Driver of the vehicle holds a Hackney Carriage & Private Hire (Combined) Driver Licence issued by Tamworth Borough Council,
- and is insured by the proprietor, to drive the vehicle.

The Proprietor must ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.

The vehicle must be a single uniform colour.

The interior and exterior of the vehicle must be kept in a clean condition and maintained in a safe condition by the Proprietor.

The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.

The Proprietor must permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.

The Proprietor must present the vehicle for inspection and testing, to an Authorised Officer, at any time and place within the Borough of Tamworth as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months. If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the

condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.

All accidents must be reported to the Licensing Team, in writing, within 72 hours of the accident occurring. Such a responsibility is that of the Vehicle Licence Holder and the Driver of the vehicle at the time of the accident

The proprietor of a Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires taking out of service / replacing, and who wishes to continue to use the vehicle as a licensed Hackney Carriage or Private Hire Vehicle shall make the vehicle available to the Authorised Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service.

If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken, these must be undertaken within 28 days of the damage occurring and a letter authorising the use of the vehicle for a maximum period of 28 days will be issued by the Authorised Officer and shall be retained within the vehicle during the permitted period.

If any damage is considered by the Authorised Officer to be extensive enough to affect the safety or general appearance of the vehicle, the vehicle licence will be suspended.

The vehicle must be repaired before the suspension can be lifted and the vehicle can return to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

General advertising is not permitted on any licensed vehicle that has been granted an exemption.

If the proprietor wishes to surrender the licence at any time, he or she must do so by way of written confirmation to the Licensing Team, and the vehicle licence and licence plate be returned to the Licensing Team within 7 days of the notification of surrender.

Should the licensed vehicle be sold to another person the vehicle licence will be required to be transferred. An application together with certificate of insurance and vehicle log book will be required to be submitted within 7 days of the sale.

At all times the proprietor of a licensed vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.

Any change of vehicle on insurance must be notified to the Council on or before the change takes place.

The licence must be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.

The Proprietor of a licensed vehicle must maintain a list of names and addresses of all drivers of the vehicle, and maintain a record that provides information as to which driver has use of the vehicle at all times, and produce this information to the Licensing Team on request.

Where the vehicle is licensed as a Private Hire Vehicle with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority will be subject to revocation.

The Proprietor of a licensed vehicle who has agreed, undertaken, or has been hired to be in attendance with the vehicle at an appointed time and place must, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.

Private Hire Vehicles must not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.

All bookings for Private Hire Vehicles must be made in advance.

The Proprietor must ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

The Proprietor/Driver of a licensed vehicle must ensure that: There is no smoking of electronic cigarettes/vaping equipment within the vehicle at all times. This applies to both drivers and passengers; and No smoking signs are displayed within the vehicle.

The proprietor of a licensed vehicle must within 5 working days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.

The proprietor of a licensed vehicle must not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

LIMOUSINE CONDITIONS OF LICENCE

These additional conditions are attached to the licenses issued by the Borough Council of Tamworth under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) in relation to limousines and special event vehicles.

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.

The Borough Council of Tamworth has carefully considered the following conditions and has decided that they are reasonably necessary.

The licence holder (the owner of the vehicle) must meet all the conditions of this licence, including those for private hire vehicles generally.

Breach of the conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The additional conditions attached to the licence are as follows:

The vehicle will be presented for, and successfully complete, a garage test at the Council testing station every 6 months.

The vehicle will be licensed for a maximum number of 8 passengers.

The vehicle will not be subject to an age restriction for the purposes of licensing.

Adequate three point seat belt installations must be in place for the equivalent number of passengers and driver.

Must provide a certificate of compliance through the Individual Vehicle Approval Scheme (IVA, formerly known as the Single Vehicle Approval Scheme (SVA)).

Must provide proof of manufacturer’s alterations approval for the vehicle

Children under 135cm tall or 12 years (whichever they reach first) can not travel in a sideways facing seat

Standard council identification plates must be displayed

PRIVATE HIRE OPERATOR LICENCE - CONDITIONS OF LICENCE

All of the offences listed in the Penalty Points Scheme are included as relevant conditions.

The Operator must keep a record and maintain such a record at his/her premises detailing the particulars of all vehicles operated by him or her, which shall include the following:

- the licence plate numbers;
- the registration numbers;
- the names and addresses of the proprietors;
- the names and addresses of drivers;
- the licence (badge) numbers of drivers;
- copies of licences for all licensed vehicles and drivers; and copies of insurance certificates for all licensed vehicles.

The Operator must, before a hiring starts, record in a suitable book the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:

- the date and time of the booking;
- the name and contact telephone number / email address (if either are available) of the hirer and, where the booking is received from another operator, the name of that operator;
- the manner in which the booking was made (i.e. whether by telephone, in person, or by electronic means);
- the time and place at which it is intended that the passenger shall be collected;
- the destination (which may be recorded electronically at the conclusion of the journey using GPS tracking);
- the time at which the driver was allocated the booking;
- the registration number and licence plate number of the vehicle allocated to the booking;
- the name and driver licence number of the driver who will attend the booking;
- where the booking is passed onto another operator by way of “sub-contracting”, the name and address of that operator, together with the Operator’s licence number and issuing authority;
- the name of the individual responding to the booking request; the name of the individual that dispatched the vehicle.

The Operator must keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer,

the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a Police Officer for a period of not less than 12 months.

A register of all staff that will take bookings or dispatch vehicles will be retained for a period of not less than 12 months.

The Operator must within 5 working days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of an Authorised Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.

The Operator must have a complaints procedure in place which can be audited and checked by the licensing authority upon request.

The Operator must not invite or accept a booking for a Licensed Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, or by means of electronic communication to the person making the booking information as to the basis of charge for the hire of the vehicle.

The Operator must not charge a higher price for any journey, for a person who requires "mobility assistance" than would otherwise be charged for a person without such a need for "mobility assistance" for the same journey.

The Operator must not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.

The Operator must not take any bookings requested directly by the driver of any licensed vehicle.

The Operator must, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that appointed time and place. If an Operator sub-contracts a booking (under the Deregulation Act, 2015) the operator shall inform the customer prior to the vehicles arrival at the pick-up point, of the details of the sub- contractor that will be conducting the journey and give them the contact number and licensed name of that Operator.

The Operator must provide, and ensure that any vehicle that is fitted with a taxi-meter carries and displays a list of the tariffs charged by the Operator.

The Operator must take all necessary measures, including those requested by an Authorising Officer or Police Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.

The Operator must make all necessary measures to ensure drivers in their employment do not park in a prominent position that may encourage unlawful hire.

The Operator must maintain an adequate supply of livery, and provide such livery upon request to the driver of a Licensed Vehicle in his or her employ should such livery be found to be absent, deteriorated or perished.

The Operator must not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or tolerate any involvement in the management of the licensed Operator by:

- any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage licensing; and
- any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a Hackney Carriage & Private Hire (Combined) Driver Licence or Private Hire Operator Licence.

Operator licence holders are required to notify the licensing Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any monitoring offence. An arrest for any of these offences within this scope should result in a review as to whether the licence holder is fit to continue to do so.

This should not 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. A failure by a licence holder to disclose an arrest that the licensing 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,

The operator must notify the Council in writing of the acceptance of any fixed penalty endorsement within 5 working days. The driver must subsequently inform the Council immediately following its endorsement.

The Operator must be responsible for the actions of any manager, supervisor or any other person appointed to run the Private Hire Operator business on his / her behalf.

If provision is made by the Operator on his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator must ensure that the premises are in a clean and tidy condition at all times, and that adequate arrangements are made for the seating of customers within the premises.

The Operator must not permit any person who is behaving in a manner likely to give rise to concerns regarding the safety of other members of the public, to remain upon the premises in respect of which this licence is in force.

The Operator must understand that a Private Hire Operator licence is not transferable.

The Operator must notify the Council immediately (and in any case within 5 working days) of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them; and make payment of any associated fee for the re-issue of the licence following such amendments being made.

The Operator must ensure that every driver employed to drive the vehicles operated by the Operator holds a Hackney Carriage & Private Hire (Combined) Driver Licence and is acquainted with the conditions attached to such a driver licence.

The use of a driver who holds a PCV licence and the use of a public service vehicle such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the hirer.

The Operator must ensure that the holder of any Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence relating to a licensed vehicle operating under his / her Operator licence is acquainted with the conditions attached to such a vehicle licence.

The Operator must inform the licensing authority if he/she intends to be absent or unavailable for 7 days or more, giving details of a responsible person.

The Operator will complete Safeguarding, (including Child Sexual Exploitation and County Lines) and Disability Awareness training and a refresher every three years.

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PLYING FOR HIRE

Only licensed hackney carriages are permitted to ply for hire and only in the administration area of the Borough Council with which they are licensed. It is ILLEGAL for a private hire vehicle to ply for hire. This means:

- a) Private hire vehicles MUST NOT carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
- b) All private hire vehicle journeys MUST be pre-booked through a licensed private hire operator.
- c) All bookings MUST be made by prospective passengers themselves directly with a private hire operator who will despatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager, to make a booking on their behalf but this third party MUST NOT be the private hire vehicle driver.
- d) A driver of a private hire vehicle is NOT permitted to make the booking on behalf of a prospective passenger.
- e) Private hire operators MUST NOT accept any booking made by a driver on behalf of a passenger.
- f) Private hire vehicle drivers are NOT permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers MUST NOT physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
- g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
- h) Private hire vehicles MUST NOT wait at any taxi rank/stand.
- i) Private hire vehicle MUST NOT be hailed in the street.

Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.

Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

RELEVANCE OF CRIMINAL CONVICTIONS AND CAUTIONS

Introduction

The purpose of this appendix is to provide additional guidance to assist determine whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle drivers and/or an operator licence as it relates specifically to convictions and cautions.

The guidance has been produced to assist the Council in its decision-making and to maintain the consistency of the decisions made. It has also been formulated to provide clearer information to current and potential applicants, with a view to minimising the cost and time spent on the licensing process by both the Council and the applicant.

The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.

Each case is to be decided on its own individual merits and, where the circumstances demand, the decision making body may depart from the guidance in which case the reasons for this will be made clear.

Legislation

Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 sets out that the Council must not grant a driver's licence or an operator's licence unless they are satisfied that the person is a **fit and proper person** to hold such a licence.

Sections 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a driver's licence if they have, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence; or been convicted of an offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

Sections 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew an operator's licence if they have committed any offence under, or failed to comply with, the provisions of Part II of the Act; where any conduct appears to render the operator unfit to hold a licence; any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or any other reasonable cause.

Therefore, 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, **NOT** the Council to demonstrate that they are not.

Defining a 'fit and proper person'

There is no legal definition as to what definitively constitutes a 'fit and proper person'.

However, because of the potentially vulnerability of the passengers that drivers and operators may come into contact with, e.g. elderly people, unaccompanied children, the disabled, those who may have consumed excessive quantities of alcohol, lone females and foreign visitors, it is incumbent on the Council to take a very robust stance when deciding whether or not a person is fit and proper to hold a licence granted by the Council.

In essence, a fit and proper person will be:

- Honesty and trustworthy - drivers and operators have, for example, access to a large amount of personal information that could be misused and significant opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars.
- Not abusive, violent or threatening – abusive, violent or threatening behaviour is not acceptable conduct on the part of a driver/operator even when they are subjected to unpleasant or dishonest passenger behaviour.
- A competent and safe driver - they are expected to be professional drivers and must be fully aware of all road traffic legislation, conditions attached to their driving licence, the safety of their passengers and the safety of their vehicles at all times; passengers rely on their driver to get them to their destination safely and using the most direct route, therefore, a good knowledge of the area that they are working in is also appropriate.
- Able to communicate effectively with passengers – in the main this means able to read, speak, write and understand English.
- In good physical and mental health – to ensure they do not put passengers at risk through, for example, suffering a heart attack whilst conveying passengers.

The Council's approach when considering convictions

The disclosure of any convictions or cautions will not necessarily mean an applicant is not a fit and proper person and, therefore, automatically prevented from being issued a licence. However, the Council will have regard to all convictions, spent or live, and they will be assessed accordingly. Consideration will be given, but not restricted to, the following:

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence (s) were.
- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned.
- The extent of any mitigating factors.

- Sentence imposed by the court.
- Whether the offence(s) form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Behaviour towards Council Officers.
- Any other character check considered reasonable, e.g. personal references.
- Any other factor that may be relevant.

AND to guide the Council's consideration, the implications of the answer to the following question will also be applied:

- Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?

If the Council has any doubts as to the fitness of an applicant/existing licenced driver, then an application must be refused or licence suspended/revoked until those doubts can be effectively allayed through the provision of further adequate evidence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter will be referred to the Licensing Committee for a decision as to whether the licence ought to be suspended until such an appeal is heard.

Patterns of behaviour

A series of offences or a pattern of behaviour/conduct over a period of time is more likely to give cause for concern than an isolated conviction/incident. However, that is not to say that an isolated conviction/incident cannot give cause for concern in its own right, particularly where it relates to a serious matter. In such circumstances, the Council will give significant consideration to refusing to grant a licence or to suspending and/or revoking an existing licence.

A serious view will always be taken where an applicant shows any tendency towards criminal and/or unacceptable/inappropriate behaviour patterns. In such instances, the Council is unlikely to consider such an applicant/existing licence holder to be a fit and proper person to hold a licence and will give significant consideration to refusing to grant a licence or to suspending/revoking an existing licence.

Rehabilitation periods

Detailed guidance (effective March 2014) on the Rehabilitation of Offenders Act 1974 is available on the GOV.UK website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

A person with a conviction for an offence need not be automatically barred from obtaining a licence. However, they would be expected to remain free of conviction for an appropriate period of time (as set out in Tables A and B below) and demonstrate adequate evidence that they are a fit and proper person to hold a licence. The onus is on the person to produce such evidence.

NB Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person.

Table A

Sentence	Rehabilitation Period (applies from the end date of the sentence, including any licence period)
<ul style="list-style-type: none"> • Sentence of imprisonment for life • Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years • Sentence of preventive detention • Sentence of detention at Her Majesty's Pleasure • Sentence of custody for life • Public protection sentences* (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders) <p>*A public protection sentence (the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces Act 2006) means a sentence of imprisonment or detention, as detailed above, imposed for specified sexual and violent offences</p>	Never spent
A custodial sentence of over 2 years months but not exceeding 4 years	7 years from the date on which the sentence (including any licence period is completed
A custodial sentence of over 6 months but not exceeding 2 years 6 months*	4 years from the date on which the sentence (including any licence period is completed
A custodial sentence of up to 6 months*	2 years from the date on which the sentence (including any licence period is completed
A sentence of service detention	1 year from the date on which the sentence was completed
Dismissal from Her Majesty's Service	1 year from the date of conviction

Sentence	Rehabilitation Period (applies from the end date of the sentence, including any licence period)
Fine	1 year from the date of the conviction in respect of which the fine was imposed
Community order or youth rehabilitation order	1 year from the last day on which the order has effect

Table B

Driving endorsements	5 years from the date of conviction
Driving disqualification	When the period of the disqualification has passed
Simple caution, youth caution	Spent immediately
Conditional caution, youth conditional caution	3 months of when caution ceases to have effect if earlier
Compensation order	On discharge of the order (i.e when it is paid in full) Proof of payment will be required
Absolute Discharge	Spent immediately
Relevant orders**(orders that impose a disqualification, disability, prohibition or other penalty)	The end date given by the order or, if no date given, 2 years from the date of conviction – unless the order states ‘unlimited’, ‘indefinitely’ or ‘until further order’ as in these cases it will remain unspent

*Suspended custodial sentences are treated the same as custodial sentences for this purpose. It will be the length of the sentence imposed by the court, not the period it is suspended for that dictates when it will become spent

**Relevant orders include conditional discharge orders, restraining orders, hospital orders, bind overs, referral orders, care orders and any order imposing a disqualification, disability, prohibition or other penalty not mentioned in the table.

Where a person does not satisfy the rehabilitation periods referred to in the tables above, then the Council will refuse to grant a new licence or revoke or suspend an existing licence until the applicant is in a position to satisfy them.

The specific periods of rehabilitation are not intended to be taken as definitive time periods by which an applicant/licence holder is automatically granted a licence simply on the basis that the rehabilitation period has elapsed. Rather they are intended to give parameters for consideration when taken with the overall history of an applicant/licence holder in order to assist the Council to determine whether an applicant/existing licence holder is a fit and proper person or not. The rehabilitation periods will not be considered in isolation.

In addition to the consideration of rehabilitation periods, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

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

Exploitation

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

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.

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 7 years have elapsed since the completion of any sentence imposed.

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 on any 'barred' list.

Dishonesty

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.

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 5 years have elapsed since the completion of any sentence 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.

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.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a handheld telephone handheld 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 held-hand mobile telephone or a handheld device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be

granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Licensing offences

In addition to the consideration of rehabilitation periods, where an existing licence holder is found guilty of hackney carriage or private hire related offences such as, but not restricted to, plying for hire, over-charging, refusing to carry disabled persons or multiple breaches of licence conditions, licence holders will be referred to the Licensing Committee with a view to determining whether the licence ought to be suspended and/or revoked.

The Council operates a points system for any breaches of conditions. If any driver/proprietor reaches 12 points within a 3 year period they will automatically face a Committee hearing. Further points within the same period will automatically result in a committee hearing. If any driver/proprietor breaches the exact same condition 3 times in a 3 year period it will automatically result in a committee hearing. If any operator reaches 12 points in a 12 month period it will automatically result in a committee hearing.

The points list is not exhaustive and the licencing officer may decide to have a committee hearing for any driver/proprietor should the officer feel the offence is serious enough to warrant it.

A driver can appeal any points awarded by writing to the Head of Environmental Health.

Right of appeal

Any applicant refused a driver's or operator's licence on the grounds that they are not a fit and proper person to hold such a licence, or who has had their licence suspended or revoked or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the magistrates' court within 21 days of the notice of decision.

Conclusion

Any applicant having a previous or current conviction should not, in principle, debar them from obtaining a hackney carriage or private hire driver's licence. However, previous convictions are a significant factor in the decision making process and it will inevitably be more difficult for such applicants to obtain a licence. It is this Council's policy to consider the protection of the public above all else by ensuring all licensed drivers are honest, will not be a threat to the public, in good health, are safe and competent drivers and are able to maintain their vehicles to a safe standard. In doing so, the Council will focus on the background of an applicant as a whole and will not consider individual offences and their rehabilitation periods identified above in isolation from other factors, in particular patterns of unacceptable or inappropriate behaviour and conduct that may not necessarily be linked to proven convictions.

ADDITIONAL MEDICAL FITNESS GUIDANCE

The following conditions are a bar to the grant of a licence:

A. Epileptic Attack

Applicants must have been free of epileptic seizures for at least ten years and not have taken anti-epileptic medication during this ten year period.

B. Insulin Treated Diabetes

Applicants for a private hire or hackney carriage driver licence will be required to satisfy the Council that they meet the medical requirements which would allow a C1 (small lorry) Group 2 licence to be issued. If found to be suffering from Diabetes Mellitus, the applicant must provide a medical report from a hospital consultant specialising in diabetes confirming:

the applicant has been undergoing insulin treatment for over four (4) weeks;

during the 12 months prior to the date of the licence application, the applicant has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,

the applicant has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

The applicant will also be required to submit a signed declaration that:

they will comply with the directions for treatment given to him/her by the doctor supervising that treatment;

immediately report to the Council in writing, any change in diabetic condition; and

provide to the Council as and when necessary, evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle during employment.

C. Eyesight

I. Applicants must be able to read in good daylight a number plate at 20.5 metres, (67 feet), and if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye; and visual acuity of a least 6/12 in the worst eye; and if these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60.

II. A licence will also be refused or revoked if an applicant has uncontrolled diplopia, (double vision), or does not have a normal binocular field of vision.

I

D Other Medical Conditions

In addition to those medical conditions covered by legislation, applicants (or licence holders) are likely to be refused if they are unable to meet the national recommended guidelines in the following cases:

- Within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty;
- A significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met;
- Suffering from or receiving medication for angina or heart failure;
- Hypertension where the BP is persistently 180 systolic or over, or 100 diastolic or over;
- A stroke or TIA within the last 12 months;
- Unexplained loss of consciousness within the past 5 years;
- Meniere's or other conditions causing disabling vertigo, within the past 1 year, and with a liability to reoccur;
- Recent severe head injury with serious continuing after effects, or major brain surgery;
- Parkinson's disease, multiple sclerosis or other 'chronic' neurological disorders likely to affect limb power or co-ordination;
- Suffering from psychotic illness in the past 3 years, or suffering from dementia;
- Alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years;
- Insuperable difficulty in communicating by telephone in an emergency;
- Any other serious medical condition which may cause problems for road safety when driving a Hackney Carriage or Private Hire Vehicle;
- If major psycho tropic or neuroleptic is being taken;
- Any malignant condition within the last 2 years likely to metastasise to brain or lung or malignant melanoma

ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Advertisements will not be permitted by Tamworth Borough Council if, in Tamworth Borough Council's reasonable opinion, the advertisement falls within any of the following categories:

- a. does not comply with the law or incites someone to break the law;
- b. does not comply with the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing;
- c. is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised the wording or design of the advertisement or by way of inference;
- d. depicts men, women or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context (**NB** whilst the use of underdressed people in most underwear advertising may be seen as an appropriate context, gratuitous use of an overtly sexual nature will be unacceptable);
- e. depicts or refers to indecency or obscenity or uses obscene or distasteful language including that set out in a foreign language;
- f. relates to lap-dancing, 'gentlemen's clubs', escort agencies or massage parlours;
- g. depicts direct or immediate violence to anyone shown in the advertisement;
- h. condones or provokes anti-social behaviour;
- i. contains images or messages, which relate to matters of public controversy and sensitivity;
- j. refers to or portrays (or gives the impression of portraying) a living person unless the written consent of that person is obtained and is produced to Tamworth Borough Council;
- k. contains negative references to Tamworth Borough Council's services or those services provided or regulated by other local authorities;
- l. relates to a political party or parties or a political cause;
- m. relates to or advertises alcohol or tobacco;
- n. in the case of digital media, poses a health and safety risk an. In the case of digital media, poses a health & safety risk a result of flickering or other visual imagery

CONDITIONS APPLICABLE TO THE USE OF TRAILERS

The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.

The licensed towing vehicle's insurance must cover the towing of a trailer. Trailers must not be left unattended anywhere on the highway.

The speed restrictions applicable to trailers must be observed at all times.

A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.

The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.

The tow bar must comply with the type approval regulations in respect of all tow bars fitted to cars after August 1998.

Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer, as per the DVLA guidance (info 30) Driving Licensing Requirements for Towing Trailers in Great Britain.

Trailers must be inspected at initial licensing and annually thereafter by a garage approved by the Council for that purpose.

An additional plate will be issued by the Council for each vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the vehicle number plate. The cost for this additional plate will be paid for by the vehicle proprietor

Un-braked trailers shall be less than 750 KGs gross weight.

Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.

The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.

A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.

The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.

The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.

The maximum length for braked twin axle trailers is 5.54 metres.

The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.

The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.

DRAFT

DRESS CODE

Drivers shall, as a minimum, wear a shirt or “T” shirt or blouse and tailored shorts (not denim), trousers, skirt. Denim jeans are acceptable as long as they meet all the other conditions.

The shirt, t-shirt, dress or blouse shall be of one colour except for any contrasting detail and piping. It should cover the shoulders and in the case of t-shirts, shirts and blouses be capable of being worn inside the shorts, trousers or skirt.

T-shirts, sweat tops, jumpers, blouses or dresses shall not carry any words or pictures apart from discreet logos and manufacturer names, the name of the operator or proprietor and the name of the driver.

Shirts or blouses worn as open neck shall have no more buttons open than the collar button and the next button.

“Tailored” In respect of shorts and trousers shall be defined as having a fly fastening. In respect of shorts, trousers and skirts be capable of being worn with a belt on the waist. In addition, shorts, trousers and skirts shall be of one colour with the exception of contrasting detail and piping which will be allowed. To avoid any doubt tracksuits, denim shorts and denim jackets are not permitted.

For safety reasons footwear for all drivers shall fit around the heel by an enclosed or sling back. To avoid any doubt mules or beach flip flops shall not be permitted.

All clothing shall be clean, free from holes, rips and snags and fastenings shall be in good order.

Drivers shall not wear any item of clothing or apparel which exhibits any of the following:

- Sports teams of any description
- Offensive language
- References to drunkenness or the use of recreational drugs
- Anything racist, sexist, discriminatory or otherwise offensive
- Any advertising that does not conform to the relevant codes of advertising practice.

To be clear examples of unacceptable standards of dress would include bare chests or shoulders, dirty, ripped or damaged clothing.

Exceptions related to faith or disability are accepted.

PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENSING – HIRE COMPANIES

Applications for the grant of a private hire or hackney carriage vehicle licence will be accepted from Hire Companies, however special rules will apply.

A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to the accident repair work being carried out (proof from the garage will be required).

The application and all necessary documents must be in the name of the vehicle proprietor (Hire Management Company). The licence and plate will only be issued for a maximum period of 8 weeks.

The vehicle licence will lapse once the vehicle is handed back to the Hire Management Company.

All vehicles which are present to the Council for licensing and all vehicles whilst licensed must comply with the vehicle specifications contained within the appendices.

A replacement vehicle will only be issued on a like for like basis i.e., the number of seats.

Process

The vehicle proprietor (Hire Management Company) must sign all applications for a new vehicle licence.

Any application not signed by the proprietor will not be accepted. In addition the operator of the firm for which the vehicle will be used must sign the application form for a new private hire, hire vehicle.

The following documentation is required for the issue of a vehicle licence:-

- Details of the licenced driver who will be responsible for the vehicle.
- Compliance test pass certificate not more than 14 days old.
- Vehicle insurance or cover note which must cover the vehicle for 'Public Hire' if hackney carriage or 'private hire' if private hire or in any case for 'hire & reward'
- Vehicle v5
- Fee

On the grant of the licence the following items will be issued:-

- Vehicle Licence
- Plate
- Conditions

The licence plates remain the responsibility of the accident management company and must be returned to the licensing office when the vehicle is handed back to them. The vehicle will be cancelled.

Failure to comply with these guidelines will result in future applications being rejected.

Reporting an accident

Proprietors have 72 hours in which to report an accident. An authorised officer will assess the vehicle and if required will instruct the proprietor to take it to the nominated testing station for them to assess if the vehicle is roadworthy. Should the vehicle be roadworthy, but requiring repair – these repairs should be done within 28 days. Should the vehicle not be roadworthy then vehicle will be suspended until such a time that the testing station deem the vehicle to be roadworthy.

PENALTY POINTS SCHEME

The aim of the Driver Penalty Points Scheme is to help maintain and improve service standards. The Scheme seeks to provide a consistent approach to dealing with unacceptable conduct such as failures to abide by the Council's Code of Conduct, the licence conditions or minor offences where revocation, suspension, prosecution may be disproportionate.

Authorised officers of Tamworth Borough Council may record penalty points against a driver's record if they become aware of conduct that breaches this policy and the licence conditions and/or statutory provisions for the operation of Hackney Carriage and Private Hire driver/ vehicle licensing.

The authorisation to issue a warning and place points on a driver's licence record is given to Licensing Enforcement Officers, Licensing Officers, their managers and any other officers designated in the Scheme of Authorisation.

The points placed on record will be based on the published tariff. This tariff may be amended from time to time in order to maintain and improve service standards in changed circumstances.

A driver, who is discovered to have contravened any of the items listed in the tariff and licence conditions will be notified by an authorised officer of the contravention and the points that have/will be placed on record. A driver who disputes that they have contravened requirements will be invited to submit a written submission/representation. The driver will be asked to do this within 14 days of the warning being received. Any representation, whenever received, will be placed on file.

An officer authorised by the Head of Environmental Health will review the officer's report and any written submissions and may decide that the penalty points should be removed or a different number recorded. The driver will be informed of the outcome of this review. The officer reviewing the points allocation will not be the same officer who allocated the points. There is no further review or appeal against the warning and the placing of penalty points on record.

If, in any period of 3 years, twelve points or more have accumulated on a driver's record then an officer authorised by the Head of Environmental Health will review the driver's conduct record. They will refer the driver to the Licensing Committee for his/her fitness to hold a licence with Tamworth Borough Council to be considered unless this would be significantly disproportionate given the nature and incidence of the contraventions and the driver has provided evidence of meeting TBC requirements. The Licensing Committee will be provided with a report setting out the driver's record of conduct, the warnings issued and points awarded, any substantiating or corroborating evidence and any written submissions received.

Where there is CCTV footage of the incident/s being brought before the Licensing Committee, then the driver will have the opportunity to view the footage at the Council's offices before the hearing subject to such conditions as may be required to protect third parties rights under the Data Protection Act 2018. The driver will have the opportunity to make written and verbal submissions to the Licensing Committee. The Licensing Committee will review the driver's record and consider whether he/she is a fit and proper person to hold a licence and decide whether any action should be taken, for example suspension or revocation of the licence, imposition of additional conditions such as further training.

The driver has a right of appeal to the Magistrates Court against any decision of the Committee.

The Driver Penalty Points Scheme runs alongside the Council's system of enforcement for contraventions of statutes, rules, regulations and conditions. Enforcement measures include written notices, written warnings, suspension notices, and/or prosecution.

All the offences listed below form part of the driver, operator and vehicle licensing conditions. There will be no negative effect for driver's renewal applications in relation to the grant of a licence until the accumulation of 12 points on the driver's record, where this will be reviewed by an officer authorised by the Head of Environmental Health to determine.

The Penalty Points Policy & Procedure is published on the Tamworth Borough Council website and updated as and when required.

The Trade will be consulted on any significant changes.

The Driver and Operator's Penalty Points Scheme – Tariff

Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to vehicle proprietor or operator
Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	Yes	Yes
Failure to notify the licensing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence or alleged offence, any offence involving dishonesty or violence and any motoring offence. This includes being interviewed by the police about any such allegation.	9	Yes	Yes
Failure to notify the licensing authority within 5 working days of receiving a Fixed Penalty Notice	6	Yes	Yes
Failure to notify the licensing authority as soon as possible and no later than 10 working days of any illness or injury affecting fitness to act as a driver	4	Yes	Yes
Failure to notify, in writing, the Authority of change of address within 5 working days	3	Yes	Yes
Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	Yes	Yes
Refusal to accept hiring without reasonable cause e.g. drunk or rude customer.	6	Yes	
Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	Yes	
Plying for hire by private hire vehicle	9	Yes	Yes

Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to vehicle proprietor or operator
drivers.			
Using a mobile phone and/or electronic devices whilst driving as witnessed by an officer of the authority.	6	Yes	
Using unlicensed vehicle for carrying passengers for hire or reward or a licensed vehicle without insurance.	12	Yes	Yes
Failure to produce relevant documents within timescale, when requested by an authorised officer/ police officer	4	Yes	Yes
Failure to maintain vehicle in a satisfactory condition – including interior or exterior.	4	Yes	Yes
Failure to provide proof of insurance cover when requested.	6	Yes	
Failure to produce hackney carriage or private hire vehicle for testing when required.	6	Yes	Yes
Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.	12	Yes	Yes
Using a vehicle for which the licence has been revoked.	12	Yes	Yes
Failure to get approval in writing from the licensing authority before CCTV equipment is installed and used in the vehicle.	4	Yes	Yes
Carrying more passengers than stated on the vehicle licence.	12	Yes	
Failure to display external/internal licence plate as required.	4	Yes	Yes
Failure to correctly display authorised side identity stickers as required.	4 Per Sticker	Yes	Yes
Incorrectly displayed advertisements	3 per advert	1	Yes
Carrying an offensive weapon in the vehicle.	12	Yes	Yes
Failure to notify the sale of private hire or hackney carriage vehicle or change of ownership.	4		Yes
Failure to apply for prior approval for advertising signage on the outside of the vehicle.	3	Yes	Yes
Failure to correctly display authorised no smoking stickers.	3 per missing sticker	Yes	Yes
Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3	Yes	Yes
Failure to display authorised Hackney Carriage roof sign	4	Yes	Yes
Failure to use authorised roof light.	4	Yes	
Failure to electronically connect authorised roof sign to taximeter	4	Yes	Yes

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to vehicle proprietor or operator
	Displaying unauthorised written or other material on any window.	4	Yes	Yes
	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	Yes	Yes
	Using a non-approved or non-calibrated taximeter	6	Yes	Yes
	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	Yes	Yes
	Evidence of smoking in vehicle	3	Yes	Yes
	Failure to search the vehicle for lost property	3	Yes	
	Failure to declare lost property	6	Yes	
	Sounding horn when arriving at an address to pick up passengers	3	Yes	
	Playing a radio or other sound reproducing equipment which is a source of nuisance or annoyance to any person, whether inside or outside the vehicle	3	Yes	
	Playing a radio or other sound reproducing equipment against the request of the hirer and/or passenger(s)	4	Yes	
	Evidence of food or drink (excluding water) left in vehicle whilst working	3	Yes	Yes
	Displaying any feature on a private hire vehicle that may suggest that it is a taxi	6	Yes	Yes
	Using a vehicle the appearance of which suggests that it is a taxi	6	Yes	Yes
	Failure to carry an assistance dog without requisite medical exemption.	12	Yes	
	Driver not holding a current DVLA Driving licence.	12	Yes	Yes
	Failure to wear driver's personal badge, so it is visible to the public	4	Yes	
	Failure to correctly display dash badge	4	Yes	
	Failure to notify the Council, in writing, of a loss of identity badge or licence	4	Yes	
	Lending or giving of his or her badge or licence to another person	12	Yes	
	Failure to notify, in writing, a change in medical circumstances.	6	Yes	
	Unsatisfactory appearance of driver.	3	Yes	
	Failure to observe rank discipline (hackney carriage only).	4	Yes	
	Failure to maintain proper records of private hire vehicle.	3		Yes
	Failure to keep or produce records of private hire bookings or other documents required to be kept	6		Yes

Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Applicable to driver	Applicable to vehicle proprietor or operator
produced.			
Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		Yes
Failure to issue complete receipt on request.	3	Yes	
Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4	Yes	Yes
Unsatisfactory behaviour or conduct of driver	4	Yes	
Failure to notify the Authority, in writing, of any motoring or within 7 working days of said conviction or cautions during period of current licence	6	Yes	
Failure to behave in a civil and orderly manner	4	Yes	
Failure to take reasonable amount of luggage	3	Yes	Yes
Failure to give reasonable assistance to passengers entering or getting out of the vehicle or during the journey	3	Yes	
Failure to give assistance with loading/unloading luggage to or from any building, vehicle or place.	3	Yes	
Failure to display table of fares.	4	Yes	Yes
Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	Yes	Yes
Failure to attend punctually at appointed time and place without sufficient cause.	4	Yes	Yes
Using a licensed vehicle with bald tyre(s).	4 per tyre	Yes	Yes
Failure to display a current licence plate.	4	Yes	Yes
Waiting or stopping in any area where parking is prohibited unless requested by a paying customer present in the vehicle.	3	Yes	
Drive where prohibited, unless directed by the hirer	3	Yes	
Failure to display within the vehicle information on how customers are able to make complaints to Tamworth Borough Council.	3	Yes	Yes
Failure to comply with any other licensing condition not detailed in the table. ** see below	3	Yes	Yes

** Further conditions may be added as the policy is reviewed.

Certain infringements may result in driver, proprietors or operators receiving penalty points. Page 465

Points may be awarded to one or several persons depending upon the nature of the infringement, however each case must be determined on its own merits.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Where enforcement action is taken and penalty points given, the driver/operator will be advised in writing of the reason for the enforcement action, and provided with details of the relevant conditions / standards / regulations that the licence holder has failed to comply with.

Licence holders may appeal the issue of any of the above, by way of writing to the Head Environmental Health, and providing evidence that supports any such appeal.

Hearings

Where a hearing is required to determine the suitability of an applicant or current licence holder either for the accumulation of warnings, or owing to a single matter that breaches the licence conditions, or in contradiction to Appendix H Relevance of Criminal Convictions and Cautions a report will be provided ahead of the Hearing to the applicant / licence holder detailing the reasons why the matter requires such a hearing.

Where an application is to be heard by the Licensing Committee, the applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The options available to the Committee include (but are not limited to):

- Suspension of the licence
- Revocation of the licence
- Head of Service Warning
- The imposition of additional conditions and / or requirements placed on the applicant / licence holder
- The grant / refusal of an application
- To take no further action

The Licensing Authority has the power to suspend/revoke the licence² with immediate effect if it is necessary in the interests of public safety.

If a licensee or applicant is dissatisfied with a decision of the Licensing Authority, an appeal may be lodged with the local Magistrates Court but this must be within 21 days being notified.

Revocation / Suspension of a Hackney Carriage & Private Hire (Combined) Driver Licence including immediate

The Licensing Authority can suspend and/or revoke a licence in accordance with:

1. Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle licences;
2. Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver licences;
3. Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator licences.

If the Licensing Authority makes a decision to revoke or suspend a Hackney Carriage & Private Hire (Combined) Driver licence, it will be required to consider whether that

revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Authority can only suspend/revoke with immediate effect if it is in the interests of public safety to do so.

Before making determination, where it is practicable to do so, the Licensing Authority should provide the licence holder an opportunity to make representations. It may not be practicable to do so in circumstances where public safety is at risk.

The overriding consideration is the safety and protection of passengers and the general public. Matters such as employment status and personal circumstances should not be taken into account when determining whether an applicant is fit and proper to hold a licence and would not in any event outweigh the public safety factor.

Where the Licensing Authority has decided that a licence holder is no longer “fit and proper” to hold a licence, for public safety reasons, the presumption will be that the revocation of the licence shall have immediate effect.

If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

In situations where there are concerns of public safety, the Licensing Authority will consider whether an immediate suspension and/or revocation is necessary in the circumstances. Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot work during any appeal process.

A decision to refuse or revoke a licence on public safety grounds will also be referred to the Police.

Refusal to renew a licence

If a decision is taken to refuse to renew a licence and the applicant is not satisfied with the decision then an appeal can be made to the Magistrates Court with 21 days of receiving notification.

Prosecution of licence holders

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The Licensing Authority reserves the right to prosecute licence holders for relevant offences.

Appeals

Where a right to appeal exists, the appeal can be made to the local Magistrates Court but must be within 21 days of notification.

Service Requests and Complaints

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators in writing, or by email to the Licensing Team at:

Tamworth Borough Council
Licensing Team
Marmion House, Lichfield Street
Tamworth,
Staffordshire, B79 7BZ

Email: taxi-licensing@tamworth.gov.uk