

Public Document Pack

Date of meeting Tuesday, 18th October, 2022

Time 7.00 pm

Venue Astley Room - Castle

Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing & Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

PART 1 - LICENSING

1 APOLOGIES

2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS

To receive declarations of interest from Members on items contained within the agenda

3 MINUTES OF A PREVIOUS MEETING (Pages 5 - 8)

4 BUSINESS AND PLANNING ACT 2020 UPDATE (Pages 9 - 12)

5 MINUTES OF LICENSING SUB COMMITTEE MEETINGS (Pages 13 - 20)

To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing and Public Protection Committee.

FIVE MINUTE BREAK

PART 2 - PUBLIC PROTECTION (OPEN)

6 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

To receive declarations of interest from Members on items contained within the agenda

7 FOOD SAFETY SERVICE PLAN 2022/23 AND REVIEW OF PERFORMANCE IN 2021/22. (Pages 21 - 40)

- 8 PUBLIC PROTECTION SUB-COMMITTEE PROGRAMME (Pages 41 - 44)
- 9 PROPOSED AMENDMENTS TO TAXI LICENSING POLICY - 2021-2025 (Pages 45 - 138)
- 10 PUBLIC SPACE PROTECTION ORDER - PUBLIC CONSULTATION UPDATE (Pages 139 - 188)
- 11 UPDATE ON RESULTS OF TAXI LICENSING APPEALS (Pages 189 - 192)
- 12 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 193 - 194)

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

13 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Parker (Chair), Whieldon (Vice-Chair), S White, Barker, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams and Brown

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Hutchison	Brockie
	Panter	Beeston
	Johnson	Fox-Hewitt
	J Tagg	D Jones
	J Waring	Stubbs
	Burnett	

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE
STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

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5. UPDATE ON TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022

Members received an update on a new piece of legislation – Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act, 2022.

The Act would seek to improve the safety of passengers. Members' attention was drawn to paragraph 2 of the report which outlined the main points of the Act.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

6. UPDATE ON TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022

Members received an update on a new piece of legislation – Taxis and Private Hire Vehicles (Disabled Persons) Act, 2022.

The Act would seek to reduce discrimination against disabled people by addressing barriers they faced in accessing taxis. Members' attention was drawn to paragraphs 2.1 to 2.7 of the report which outlined the amendments made to the Equality Act, 2010.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

7. TAXI BEST PRACTICE GUIDANCE CONSULTATION

Consideration was given to a report informing Members of a recent consultation carried out by the Department for Transport (DfT) in relation to their Taxi and Private Hire Licensing Best Practice Guidance.

Members' attention was drawn to paragraph 2.2 of the report which outlined five areas that the DfT considered to be most contentious. Paragraph 2.4 outlined other proposals which officers found to be contentious or that required clarification.

Attached at Appendix A was a copy of the consultation responses which had been sent to the DfT.

A query was raised as to whether this was advisory or mandatory.

Members were advised that it was advisory, the Government was suggesting what should be looked at.

Once the final Best Practice document was published, it would be brought back to this committee where Members would be asked for their comments upon areas which would affect the Council's policy and to make any required changes to it.

A question was asked regarding tinted windows which were referred to at section 8 under paragraph 2.2. This Council had, in the past refused vehicles for having tinted windows. Could this Committee advise drivers not to bring vehicles to be licenced that had tinted windows.

The current Policy had provision within it that the Council did not accept vehicles with tinted rear passenger windows that let in less than 35% transmission of light. Where vehicles had factory fitted tinted privacy windows not allowing in that amount of light, the driver would have to either choose another vehicle or change the windows.

The number of current licensed vehicles was queried as opposed to pre-pandemic.

The number had reduced from 900 vehicles across the fleet to around 700. These numbers had started to decrease before the pandemic.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

8. PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE

Consideration was given to a report seeking Member support to initiate a six week public consultation on two Public Space Protection Orders (PSPO's) in Newcastle following ongoing reports of anti-social behaviour.

Attention was drawn to paragraph 2 which set out proposed prohibitions.

Members were referred to Appendices 1 and 2 which set out the PSPO's.

Following the consultation, the PSPO's would be brought back to this committee to consider comments and requirements. A further consultation would then take place before being brought back for approval of the final documents.

It was stated that this was an ongoing issue that needed enforcement. Restrictions had been placed in the past and the question was asked – who enforced them. The police were needed in the town centre and the parks to enforce the PSPO's.

A query was raised as to when PSPO's first came out.

They were introduced as part of the Anti-Social Behaviour, Crime and Policing Act, 2014. The Council first implemented the PSPO's in 2019.

Resolved: That public consultations be carried out for the two Public Space Protection Orders for Newcastle Town Centre and Queen Elizabeth Park.

[Watch the debate here](#)

9. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

10. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the Minutes of the meetings held on 9 February, 2 March, 25 May and 8 June be received.

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11. APPEALS UPDATE

Members received an update on appeals against Council decisions.

Resolved: That the contents of the report be noted.

12. DRINK SPIKING

Members received a report regarding drink spiking.

Resolved: That the contents of the report be noted.

13. URGENT BUSINESS

Members were asked for their availability to attend a Public Protection Sub-Committee on 13 July.

Members were asked for their availability to attend other Public Protection Sub-Committee meetings by way of a rota being drawn up for afternoon and evening availability.

Members were reminded of the training session being held on 14 July, 2022

**Councillor Andrew Parker
Chair**

Meeting concluded at 8.07 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 18 October 2022

Report Title: Business and Planning Act 2020 Update

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform members of updates relating to the Business and Planning Act 2020, and relevant Regulations, which relates to the relaxations in respect of pavement licenses and alcohol off-sales.

Recommendation

That Members:

- 1. Note the proposed amendments to the Business and Planning Act 2020 and contents of the Regulations.**
- 2. Note that all Pavement Licences will be granted to expire on 30th September 2023.**

Reasons

The Business and Planning Act 2020 received Royal Assent on 22nd July 2020. Subsequently various Regulations have been, or will be, laid down extending the provisions that relate to Pavement Licensing and alcohol off-sales.

1. Background

1.1 The Business and Planning Act 2020 received royal assent on 22nd July 2020 and made significant changes designed to help premises (including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours) to survive and bounce-back from the pandemic lockdown.

1.2 The provisions included:

- A new "Pavement Licence" regime, to be administered by local authorities, designed to make it easier for premises serving food and drink (such as bars, restaurants and pubs) to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- Alcohol licensing changes that allowed operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries.

1.3 The Act originally included temporary measures up to 30th September 2021 to support businesses selling food and drink through economic recovery as lockdown restrictions were

lifted but social distancing guidelines remained in place. Last year the temporary measures were extended to expire on 30th September 2022.

1.4 The measures in the Act were designed to support businesses selling food and drink such as cafes, pubs and restaurants by introducing a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, for the placement of furniture such as tables, chairs, umbrellas and patio heaters on the pavement outside their premises. This enables them to maximise their capacity whilst adhering to social distancing guidelines.

2. **Issues**

Pavement Licenses:

- 2.1 The Council currently has 18 premises that have been granted a Pavement licence. There are an additional 3 that were issued but have since lapsed and a number of applications rejected on the basis of either being in unsuitable locations, or the applicant not providing the requisite documentation. The main reason for rejecting the applications is that the proposed locations of the outside areas were on private land and not public highway.
- 2.2 The Government has announced that to further support businesses they will be extending the provisions for Pavement Licences to end on 30th September 2023, with a view to making the licence regime permanent. The provisions to make the regime permanent are set out in the Levelling Up and Regeneration Bill which is currently making its way through both Houses.
- 2.3 There is no formal provision to renew a licence however if there are no amendments to be made the Council are proposing to implement a renewal process where the licence holder confirms nothing has changed rather than ask them to apply anew. Where the premises proposes amendments they will have to apply anew.
- 2.4 The timescales for consultation and determination of a licence application are short and effect all applications. The applicant must post a notice on the premises on the same day as the application is made. The notice must be in place for a consultation period of 5 working days beginning with the day after the day the application is submitted. The Council must publish the application on its website and allow people to comment during the 5 working days consultation period. The Council must consult with the highway authority and ‘such other persons as the local authority considers appropriate’ e.g. police and residential neighbours. The Council must determine the application within a period of 5 working days beginning with the first day after the consultation period. If the Council does not determine the application within this period, the pavement licence will be deemed as granted.

Off-Sales:

- 2.5 The measures originally included in the Act modified provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It was designed to be a temporary measure to “boost the economy”, with provisions lasting until the end of September 2021. Last year the temporary measures were extended to expire on 30th September 2022.
- 2.6 The measures make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises. This will allow businesses to trade whilst keeping social distancing measures in place inside.

- 2.7 Similarly to Pavement licences, the Government has also announced that to further support businesses they will be extending the provisions that allow 'on-sales' only premises to sell alcohol for consumption off the premises ('off-sales') to end on 30th September 2023. The Regulations were laid down on 22nd September 2022 with a view that they come into force before 30th September 2022.
- 2.8 Nothing else has been amended. There is no requirement for an application to be made. It only applies to premises licence and not club premises certificates, a notice still needs to be displayed at premises benefitting from the relaxation provisions, certain licence conditions remain suspended and it only applies to current licensing hours up to an end time of 23.00 hours. Government has committed to consulting upon whether these changes should be made permanent in the future, either in the current format or with a view to a simplified variation application procedure. No date has been set for this to take place but they have suggested it will be within the '*next few months*'.
- 2.9 If there are problems of crime and disorder, public nuisance, public safety or the protection of children arising from how the premises operated using the new permission, any responsible authority, including the police or environmental health, could apply for a new off-sales review. The off-sales review process is modelled on the existing summary review process. In the event that an off-sales review is triggered, it will only relate to off-sales authorised by virtue of these provisions, or conditions which have effect by virtue of these provisions: it cannot be used to revoke the existing licence or modify pre-existing licence conditions.

3. **Proposal**

3.1 That members:-

- a) Note the proposed amendments to the Business and Planning Act 2020 and contents of the Regulations.
- b) Note that all Pavement Licences will be granted to expire on 30th September 2023.

4. **Reasons for Proposed Solution**

- 4.1 Government have laid regulations to extend the provisions in relation to pavement licences and 'off-sales' of alcohol.
- 4.2 The Council needs to continue with a mechanism in place for determining pavement licensing applications.

5. **Options Considered**

- 5.1 Members could decide not to approve that pavement licence applications can be issued with an expiry date of 30th September 2023. Any application received would then have to reapply in October 2022 which would add burden onto the businesses and Council.
- 5.2 Members could decide not to approve a simplified 'renewal' process but this would also add burden onto the businesses and Council

6. **Legal and Statutory Implications**

- 6.1 The legal and statutory implications are fully addressed in the body of this report.

7. **Equality Impact Assessment**

7.1 There are no issues arising from this report.

8. **Financial and Resource Implications**

8.1 The Council can charge a fee of up to £100 per pavement licence application. In August 2020 the Committee agreed to waive this fee.

9. **Major Risks**

9.1 The risk of not accepting the recommendation is that the Council will have overly burdensome processes for dealing with applications once the regulations are approved and come into force.

10. **Sustainability and Climate Change Implications**

10.1 There are no issues arising from this report.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 4th August 2020 – Licensing & Public Protection Committee

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 [The Business and Planning Act 2020](#)

14.2 [The Business and Planning Act Guidance for Pavement Licences](#)

14.3 [Alcohol Licensing \(Coronavirus\) \(Regulatory Easements\) \(Amendment\) Regulations 2021](#)

14.4 [Business and Planning Act 2020 \(Coronavirus\) \(Amendment\) Regulations 2021](#)

14.5 [Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2022](#)

LICENSING SUB-COMMITTEE

Monday, 8th August, 2022
Time of Commencement: 10.00 am

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Andrew Parker (Chair)

Councillors: Brown Panter

Officers: Melanie Steadman Licensing Officer
Anne-Marie Pollard Solicitor
Matthew Burton Licensing Administration Team
Manager

6. APPOINTMENT OF CHAIR

Resolved: that Councillor Parker be appointed Chair of the Sub-Committee.

7. APOLOGIES

There were no apologies for absence.

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. APPENDIX A - NATURAL JUSTICE GUIDANCE NOTES

10. APPENDIX B HUMAN RIGHTS GUIDANCE NOTES

11. APPENDIX C PROCEDURE TO BE FOLLOWED BY THE SUB-COMMITTEE

12. PREMISES LICENCE - BETLEY COURT FARM

The Sub-Committee considered an application for a new premises licence relating to Betley Court Farm, Main Road, Betley.

The Sub-Committee carefully considered the report including the relevant representations within the report (9 had been withdrawn since the report had been published), two statements from representations who were unable to attend, the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy.

The Sub-Committee followed the hearing procedure as set out in the agenda pack and heard representations as follows:

- The Borough Council's Environmental Health representative who outlined a number of conditions that had been agreed with the applicants should the licence be granted

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- A representative of Betley Parish Council who outlined the discussion and outcome from an extraordinary meeting of Betley Parish Council held on 15 July regarding the application. The Parish Council asked that the licence be considered in terms of the 4 licensing objectives using the conditions put forward by the applicant, police and environmental health as this would meet the applicant's needs while reducing the objectors' concerns. There was also a request that Common Lane only be used for access and egress of the emergency services but the applicant's representative advised this was not necessary as Common Lane was blocked off unless needed for emergencies when larger scale events occurred.
- Representations by or on behalf of residents objecting to the application. The objections to the licence covered issues including noise nuisance, particularly late at night, causing detriment to neighbouring amenity; the potential for a large number of events with high volumes of people attending; vandalism and anti-social behaviour; traffic congestion; access concerns for emergency vehicles.
- Representations by residents in support of the application. The supporting comments included reference to the applicants being trusted and valued members of the local community; the community spirit encouraged by the events; that the events held were well organised and disruption was minimal; the amount of fund raising that had been carried out by the applicants.
- The applicants and their representative. The applicants outlined their commitment to the community which included taking over the running of the Betley Show; how all events involved consultation with the police and licensing department; and their reasons for the application. These included wanting to have a licence for the tea room to accommodate requests for prosecco at the afternoon teas or sherry when hosting a funeral; that Temporary Events Notices were not sufficient for the capacity of events they wished to hold; larger events would be held on the lower field and they were willing to restrict numbers to 1,000; they were experienced in running events and the Designated Premises Supervisor had trained and worked in London and wanted to bring this training and knowledge back to their home environment; that the outdoor theatre events held recently had been successful and supported the theatre community but they wanted flexibility in the events and their timing.

The Sub-Committee and the applicant were given the opportunity to question those making representations.

The Sub-Committee was also given the opportunity to raise questions of the applicants and their representative.

The Sub-Committee was also advised of further amendments proposed by the applicants.

After careful consideration of the report and the representations from both the applicant and those representatives who were deemed relevant and had not been withdrawn and the statements from all parties at the hearing, the Sub-Committee agreed as follows:

Resolved: that the licence be granted as modified prior to and during the hearing taking into account the conditions agreed with the police and environmental health but adding that for the 10 special events the licensable activities would cease at

midnight and the premises would close at 12:30am to allow people to finish their drinks and leave the premises.

The formal details are set out below.

Premises Licence Application Details (as amended)

Tea Room

Sale of alcohol on and off the premises from 11.00 to 22.30 each day.

Tea room capacity 40 persons and off-sales restricted to persons consuming alcohol in the external courtyard adjacent to the Tea Room or in the holiday cottages, or to persons taking alcohol away from the premises in sealed containers only.

Betley Bonfire and Betley Show

Sale of alcohol on and off the premises from 11.00 to 22.30 for the annual Betley Show. No sale of alcohol for Betley Bonfire.

Regulated entertainment (as applied for) from 11.00 to 22.30 for the annual Betley Bonfire and Betley Show.

Plays and Films (50 event days per annum maximum)

Sale of alcohol on the premises and regulated entertainment (as applied for) from 11.00 to 22.30 each day.

Capacity 1,500 for any event taking place in the lower field (mere meadow field)

Capacity 499 for any events taking place on the top field (the park) or the Shed adjacent to the Farm building.

Special events

Sale of alcohol on the premises and regulated entertainment (as applied for) from 11.00 to 01.00 (amended to 00:00 by Sub-Committee) which shall be limited to a maximum of 10 events per annum for pre-booked private or ticketed events arranged at least 48 hours in advance (Example events: weddings; anniversaries; charity/fundraising events; corporate or society events; dinner dances; entertainment events or similar)

Late night refreshment 23.00 to 01.00 (amended to 00:00 by Sub-Committee) for late events

Capacity 1,000 for any events taking place in the lower field (mere meadow field)

Capacity 499 for any events taking place on the top field (the park) or the Shed adjacent to the Farm building.

Agreed Environmental Health Conditions

1. Prior written notification of planned events involving 500 or more persons (excluding staff) or which are intended for licensable activities to continue beyond 11pm shall be provided to the Licensing and Environmental Health Authorities at least one month in advance and must be approved by the Head of Regulatory Services.
2. A Noise Management Plan shall be provided to the Head of Regulatory Services of Newcastle under Lyme B.C. at least one month in advance for any licensable events involving 500 or more persons (excluding staff). The

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Noise Management Plan shall include information on the nature and timings for the event; the location of any marquee and/or any other main temporary structures; the position and direction of any amplified speakers and any measures to be adopted for the prevention of noise nuisance and compliance with the permitted Amplified Sound Level during the event.

3. No later than 14 days in advance of an event that falls within condition 2, the premises licence holder shall notify any household or business within the immediate vicinity of the site of the nature of the event taking place and details of how to make a complaint in the event of noise or other concerns. The information provided shall include details of timings for the event including any sound propagation or speaker tests and the erection and dismantling of temporary site infrastructure for the event.
4. For all licensable events, the permitted Amplified Sound Level shall be demonstrated to not exceed 65dB LAeq (15 mins) free field between 9am and 11pm and between 23:00 to 09:00 shall not exceed the representative LA90(5,mins) nor the representative L90 (1min) in the 63Hz and 125Hz Octave band when assessed at the nearest facing boundary of any noise sensitive premises in Betley.
5. For all licensable events, details of complaints made and the results of noise monitoring shall be provided the Council upon request. Where monitoring has shown an exceedance of the Amplified Sound Levels details of corrective actions employed during the event shall also be provided.
6. For all licensable events, any speakers will be directed away from residential premises in the village of Betley.
7. For all licensable events, any generators shall be effectively silenced and positioned so as not to be audible at the nearest noise sensitive premises when in operation.
8. For all licensable events, bottle bins shall not be emptied after 11pm or before 7am the following morning.
9. For all licensable events, Prominent and clear signage will be placed at all exits requesting that patrons respect local residents and leave the premises and surrounding area quietly.

Agreed Police Conditions

Prevention of Crime and Disorder

1. For all events exceeding 500 persons (excluding staff) an Event Management Plan (EMP)/Risk Assessment (RA) must be provided to Staffordshire Police Force Events Unit (email: events@staffordshire.pnn.police.uk) 4 weeks prior to the event taking place. The EMP/RA must include details of security/stewarding requirements having regard to the anticipated numbers attending the event. The Event Management Plan must include a fire risk assessment, provisions for injury/ill health and emergency/evacuation plans, Policing/security/searching provisions (including a drug and weapon search policy), child protection policy including lost child procedure, noise

management plan, crowd control/audience behaviour, dispersal policy, traffic management and food hygiene procedures.

2. All staff must be fully trained before being allowed to sell alcohol and must include procedures to deal effectively with emergency incidents incorporating:
 - Reporting an emergency to the relevant emergency service
 - Safe evacuation of customers
 - Dealing with terrorist threats or incidents
 - Responsible Alcohol Service, including recognised signs of drunkenness, refusal skills, drugs awareness
 - Managing and resolving conflict
 - Premises Licence conditions
 - Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol
 - Safeguarding awareness in child protection matters (protecting children from harm)Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection upon request by a Responsible Authority. Records for each person must be retained for a minimum of 12 months.

3. Where the Event Management Plan/Risk Assessment indicates that Security/Door Staff are required, then they must be Security Industry Authority (SIA) registered and conditions 3a, 3b and 3c, as referenced below, must be complied with.

3a. The Premises Licence Holder/Designated Premises Supervisor must identify the requirement for Security/Door Staff at all times by way of a risk assessment. Where the Risk Assessment identifies the need for Security/Door Staff to be deployed, staff must be of sufficient number to be able to control entry to the premises and deal with any instances of disorderly behaviour within the premises simultaneously. Security/Door Staff must remain at the premises until such time the premises are closed and all members of the public have left the venue. All persons utilised at the premises in the capacity of a Security/Door Staff must wear high visibility clothing and must utilise radios and Body Worn Cameras with the facility to record at all times they are deployed. All Images must be kept for a consecutive 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

3b. Where Security/Door Staff are employed there must be a register of every SIA person employed at the premises that contains the following details:

- Name, date of birth and home address
- Security Industry Authority licence number
- Time and date Security/Door Staff starts and finishes duty
- Each entry shall be signed by the Security/Door Staff

3c. That register must be kept fully updated at all times and remain at the licensed premises and be available for inspection immediately by an authorised officer of the Licensing Authority, the Security Industry Authority or Police

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4. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation permitted, except when premises are operating under the authority of a Sexual Entertainment Venue Licence.
5. No open vessels containing alcoholic drinks must be taken from the boundary of the premises.
6. Where the Event Management Plan/Risk Assessment indicates a requirement for non-glass drinking receptacles (including bottles), these must be of an alternative material other than glass. Any drinks not available in this packaging must be decanted and the glass/bottle retained by the staff at the location and not handed to the customer.
7. The Premises Licence Holder/Designated Premises Supervisor must identify the requirements for CCTV at all times by way of a risk assessment. Where the Event Management Plan/Risk Assessment indicates that CCTV is required, conditions 7a-f, as referenced below, must be complied with.

7a. CCTV must be installed and cover all external public entry and exit points. The CCTV unit must be positioned in a secure part of the licensed premises and not within any private area of the location. Access to the system must be allowed immediately to the Police, Trading Standards or Local Authority Officers in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

7b. All images must be kept for a consecutive 28 day period and to be produced to the Police, Trading Standards or Local Authority Officers in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

7c. The CCTV system must be maintained so as to be fully operational and recording continually 24 hours every day.

7d. The CCTV system clock must be set correctly and maintained (taking account of GMT and BST).

7e. There must be notices displayed throughout the premises stating that CCTV is in operation.

7f. There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or Local Authority Officers.

8. The retail sale of alcohol to be prohibited at Betley Bonfire and patrons of Betley Bonfire must not be allowed to consume their own alcohol.

The Protection of Children from Harm

1. Challenge 25 must be operated at the premises whereby all persons who appear to be under 25 and purchasing or attempting to purchase alcohol must be asked to provide identification to prove they are over 18 years of age.

2. The only acceptable forms of identification allowed must be a valid passport, valid photo ID driving licence or valid proof of age scheme card with the PASS approved hologram.

3. Challenge 25 signage must be displayed in a clear and prominent public place at the premises.

4. All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record must be kept of staff training. Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection

upon request by a Responsible Authority. Records for each person must be retained for a minimum of 12 months.

5. A refusals register must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. This refusals register must be checked following each event by the Designated Premises Supervisor or Duty Manager and endorsed accordingly. This register must be made available for inspection upon request by a Responsible Authority. Records must be retained for a minimum of 12 months. This register can be written or electronic.

6. The Designated Premises Supervisor must ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice must be made available for inspection upon request by a Responsible Authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.

[Click here to watch the debate](#)

**Councillor Andrew Parker
Chair**

Meeting concluded at 4.42 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 18 October 2022

Report Title: Food Safety Service Plan 2022/23 and review of performance in 2021/22.

Submitted by: Head of Regulatory Services

Portfolios: Environment & Recycling

Ward(s) affected: All

Purpose of the Report

An information report to make the committee aware of the work planned by the Food and Safety Team in 2022/23 along with a review of last year's performance in 2021/22.

Recommendation

That the committee receive and endorse the Food Safety Service Plan for 2022/23.

Reasons

To make the Public Protection committee aware of the work carried out by the Food and Safety Team, in accordance with the Food Standards Agency framework agreement and statutory Code of Practice on official food controls by local authorities.

1. **Background**

1.1 The Borough Council has a statutory duty to provide a Food Safety service that:

- Maintains a register of all food businesses operating within the Borough;
- Implements a risk based programme of inspections and interventions;
- Provides advice to local businesses about how they can comply with legal requirements
- Investigates complaints about contaminated food, unhygienic premises and food poisoning outbreaks; and
- In the most serious cases takes enforcement action to protect public health.

2. **Issues**

2.1 The Food Standards Agency requires local authorities to produce a specific service plan for their Food Safety service using a specified format that can be reported to its' elected members.

2.2 Attached to this report in Appendix A is a Food Safety Service Plan for 2022/23 which outlines the work planned for the coming year as well as a review of last year's performance.

3. **Proposal**

3.1 It is proposed that the committee note and endorse the content of the Service Plan.

4. **Reasons for Proposed Solution**

4.1 The Service Plan is for the information of the Public Protection Committee

5. **Options Considered**

5.1 No other options are considered, the provision of this plan is a requirement of the Food Standards Agency under their framework agreement with local authorities.

6. **Legal and Statutory Implications**

6.1 The Council has a statutory duty to provide a Food Safety service and comply with the requirements of the Food Standards Agency.

7. **Equality Impact Assessment**

7.1 There are no equality implications for this report.

8. **Financial and Resource Implications**

8.1 None, the Service Plan will be implemented within existing budgets.

9. **Major Risks**

9.1 There are no major risks with this report.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 The report supports :



11. **Key Decision Information**

11.1 This is not a key decisions.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Attached to this report in Appendix A is a Food Safety Service Plan for 2022/23

14. **Background Papers**

14.1 No Background papers

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FOOD SAFETY

SERVICE PLAN 2022/23

This document has been developed in accordance with guidance issued by the Food Standards Agency.

Introduction

The Council has a statutory duty to carry out Official Food Controls and enforce food hygiene regulations within the Borough. This ensures that all food sold within the Borough is safe and fit for human consumption. However the COVID-19 pandemic lockdown has compelled a rethink in our approach. We have started out on a graduated return to inspections which is achieving a recovery to normal levels now that the COVID-19 lockdown has been lifted and the Borough has begun to function again.

Whilst highlighting achievements the plan also sets the standard for how the service will be delivered over the next financial year subject to any necessary future Covid 19 controls. The service will strive to continue in providing a quality, customer focussed service in line with the Corporate priorities.

Gill Taylor
Head of Regulatory Services

July 2022

Section 1 - Service Aims and Objectives

1.1 Service Aim

The Council recognises that its food safety regulatory function plays an important role in maintaining and improving public health within the district. It is committed to ensuring that all food sold within the borough is safe and without risk to health, to this end we are prioritising our work to ensure that the borough businesses operate and remain safe for their customers.

Service Objectives

Food Safety Enforcement

The Food & Safety Team has enforcement responsibilities in a wide number of areas affecting the public and businesses within the Borough. These include:

- Ensuring that food and drink intended for sale for human consumption is produced, manufactured, stored, distributed, and handled safely and in hygienic conditions.
- Investigating complaints about food and food premises.
- Responding to notifications of food alerts.
- Control and prevention of spread of infectious disease and food poisoning. Assisting with the follow up investigations for COVID-19 cases.
- Possible re-introduction if necessary of COVID-19 compliance in all open business premises with a public interface either pro-actively or by reacting to intelligence.

1.2 Links to corporate objectives and plans

The Borough's Council Plan 2018-2022 sets out the overall vision and priorities for the Council. These are then incorporated into specific service and financial plans.

Within this plan the Councils' four priorities are:-

- ◆ **Local Services that work for Local People**
- ◆ **Growing our People and Places**
- ◆ **A Healthy, Active and Safe Borough**
- ◆ **A Town Centre for All**

The work of the Food and Safety team can be linked to all of these priorities; however, it is perhaps more closely associated with

- ◆ **Local Services that work for Local People**
- ◆ **A healthy, Active and Safe Borough**

The team report on the following key performance indicator each quarter to the Council's Cabinet:

Outcome 1.1 Ensure high standards of safety and public health

1.1 The percentage of food establishments which are broadly compliant with food hygiene law

Other priorities for the inspection of food premises and workplaces are prescribed in guidance issued by the Food Standards Agency. (The Food Standards Agency are yet to issue further guidance on how they expect Local Authorities to undertake food premises interventions moving forward. When this is known, it will form part of the priorities)

2 - Background

2.1 Profile of Newcastle – under – Lyme Borough Council

Newcastle-under-Lyme borough council is a local government district with borough status in Staffordshire, England. It is named after its main settlement, Newcastle-under-Lyme, where the council is based, but includes the town of Kidsgrove, the villages of Silverdale and Keele, and the rural area surrounding Audley. The Borough of Newcastle-under-Lyme forms part of the conurbation of North Staffordshire and covers some 81 square miles with a population of around 129,000.

The traditional industrial base of mining and pottery manufacture has changed significantly over the last century. The closure of local mines, and factories has seen the growth of hi tech and research industries within the area. The Borough has areas of considerable affluence, but also includes two wards that fall into the 10% most deprived in the country

Newcastle is an ancient market town and still maintains a vibrant market culture. Stallholders set up on a part of the town locally known as The ‘Stones’ and this area is used on an almost daily basis for events ranging from the regular market to specialist events such as Farmers and European markets and antique fairs. Due to the Boroughs central geographical location and the proximity to the M6 motorway, recent years have seen a significant increase in the numbers of distribution depots in the area. A large bakery supplying retailers nationally is based here, as is a large meat products manufacturer. The Borough also has the prestigious Keele University, medical school and conference facilities located within its’ boundaries.

2.2 Organisational Structure

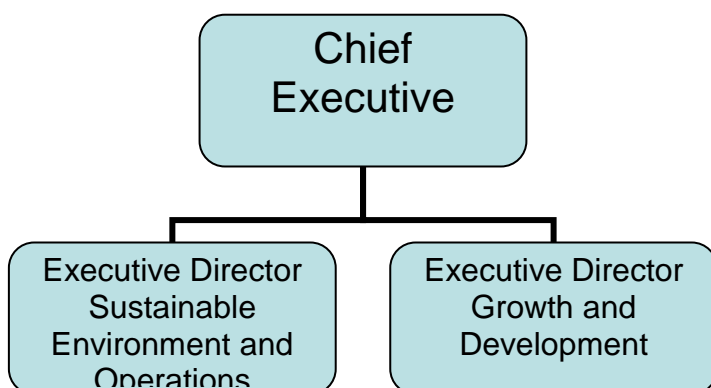
The Council is made up of 44 locally elected representatives, otherwise known as councillors or elected members.

The Council has a Leader who is elected by the members of the Council and is nominated by the largest group on the Council. The Council also has a Mayor, who presides over the Council meeting. The Mayor is a councillor who is appointed by all councillors to serve for one year as Chairman of the Council. The Council operates a Cabinet System consisting of a Leader and a small Cabinet. Members of the Cabinet oversee the ‘portfolios’ or groups of services.

There are a number of other Council committees who have important roles to play in a variety of areas including Planning, Licensing, Scrutiny, Standards and Public Protection. Please refer to the Council’s website for further details at: <https://www.newcastle-staffs.gov.uk/>

Executive Management

The Council’s senior officer management structure comprises of the Executive Management Team:



Classification: NULBC **UNCLASSIFIED**

The Food and Safety Team are in the Regulatory Services area, within the Directorate of Sustainable Environment and Operations.

Food and Safety Team

The Food and Safety team operate within Regulatory Services together with the Environmental Protection, Housing and Licensing Administration teams.

The Food and Safety Service structure consists of:

The Head of Regulatory Services (Reporting to the Executive Director Sustainable Environment and Operations)

Regulatory Team Manager – Food and Safety

2 Environmental Health Officers

2 Technical Assistant

1 Food and Safety Assistant

The use of outside contractors will only be considered in the future if the following criteria are met:

- There is a backlog of inspections which cannot be completed by Officers;
- There are Agency contractors meeting the requirements of the Food Safety Act Code of Practice Qualifications and Experience of Authorised Officers; and
- The cost of the work is being met within existing budgets.

Due to the various Covid lockdowns, there is a backlog of food safety inspections from 2021-2022. The team have used an outside contractor to recover the priority cases and to engage with businesses in respect of Food Safety and Health & Safety as well as ensuring COVID-19 Compliance.

Expert assistance is provided by the following outside organisations: -

- Food Examiner and Microbiology Department, UK Health Security Agency (UK HSA), London
- Consultant in Communicable Disease Control, UK HSA,

Classification: NULBC **UNCLASSIFIED**

2.3 Scope of the Food and Safety Service

The food and safety team are responsible for enforcing food hygiene law within the borough. Issues relating to food standards and feed are dealt with by our colleagues in Staffordshire County Council's Trading Standards Department.

The Food and Safety team is responsible for the delivery of a number of regulatory services including:

- Food Safety and Hygiene
- Occupational health and safety (in premises where enforcement responsibility is allocated to the Local Authority)
- When necessary ensuring that COVID-19 guidance and legislation is being followed to confirm that Borough council businesses are COVID-19 secure
- Prevention and control of infectious diseases, assisting with "track & trace" follow-up of COVID-19 cases.
- Public health licensing – tattooing, piercing etc.

The service is provided in order to ensure that the Council meets its' legal obligations specified in primary legislation. The team uses a range of interventions to deliver the service which can be divided into two main areas:

- **Inspection/Audit:** Inspection of food businesses at a minimum frequency laid out in the Food Law Code of Practice.
- **Demand:** Investigation of complaints regarding food and food premises, accidents and notifications of food poisoning.

The following functions are provided by the service:

- Maintenance of a food premises registration database for all food businesses located within the borough;
- Provision of advice to local businesses to assist them in complying with their legal responsibilities and to promote good practice.
- Inspections and audits of food businesses to ensure they comply with food safety legislation.
- Approval of food manufacturers handling products of animal origin.
- Sampling and analysis of food and water to check their compliance with safety requirements.
- Investigation of complaints about illegal/unfit food and unlawful food businesses;
- Investigation of food poisoning outbreaks;
- Investigation of national Food Alerts (issued by the Food Standards Agency).
- Health and safety inspections where we are the enforcing authority.
- Investigation of complaints about occupational health and safety.
- Investigation of accidents, dangerous occurrences, and occupational diseases.
- Inspection of establishments carrying out tattooing, ear piercing and electrolysis and other beauty services.
- In the most serious cases, formal enforcement action is taken to protect public health including the seizure of food, service of notices, and closure of premises and prosecution of offenders.
- Consultation with external agencies and internal services i.e. licensing, trading standards, planning;
- When necessary ensuring that COVID-19 guidance and legislation is being followed to confirm that Borough council businesses are COVID-19 secure
- Enforcement of Smoke-Free legislation

Service Delivery Points

The team are based with their Regulatory Service colleagues at the Central Depot, Knutton Lane, Newcastle-under-Lyme and the service operates between **9.00 a.m. - 5.00 p.m. Monday – Friday.**

Newcastle Borough has two dedicated Customer Service Centres, located in Castle House, Newcastle Monday - Friday 9am to 4:30pm and the Town Hall, Kidsgrove is open Monday - Friday 9am to 5pm with lunch between 1pm till 2pm.

The out of hours Emergency Call Centre service has been outsourced and is operated by Redditch and Bromsgrove Council. The Environmental Health Service operates an emergency stand-by rota so there is always a manager available to respond to the contact centre in the event of any emergencies or incidents.

2.4 Demands on the Food Service

In 2020/21 there were 1181 registered food businesses in the Borough with 1067 in 2022/23. These businesses were given a risk rating band between category A and E as shown in the table below.

Food Premises Risk Band	2021/22	2020/21	2019/20	2018/19	2017/18
A	0	0	1	1	0
B	15	13	31	37	39
C	157	152	124	169	199
D	370	369	202	365	331
E	480	565	674	527	492
UNRATED	37	81	20	19	34
OUTSIDE	8	1	1	1	1
TOTAL REGISTERED	1067	1181	1053	1119	1096

The risk rating awarded is generated by the inspecting officer who scores the business based on the types and quantities of food produced and their compliance with food hygiene requirements. Businesses awaiting inspection are classified as Unrated and those registered with other council's and trading in our area are deemed Outside the inspection programme. The figures for 2020/21 were subject to Covid 19 restrictions causing an increase in the unrated total.

The risk band awarded also determines how often the food business will be inspected as detailed in the table below:

Risk band	Minimum intervention frequency
A	At least every 6 months
B	At least every 12 months
C	At least every 18 months
D	At least every 24 months
E	A programme of alternative enforcement strategies or interventions every three years

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Businesses can be rated as a category A or B if they carry out a high risk activity such as food manufacturing, or if they are found to have poor compliance such as a premises awarded a zero or 1 Food Hygiene Rating.

A number of specialist and complex food manufacturers are located within the district including

- **2 Meat Product manufacturers**

Officers responsible for inspecting/auditing these premises have received specialist training in the relevant fields.

2.5 Enforcement Policy

The Council has approved an Enforcement Policy and carries out its' regulatory functions in accordance with the Regulators Compliance Code. The importance of achieving a fair and consistent approach to enforcement is recognised by the council. The Enforcement Policy is followed for all enforcement action undertaken by the food service and is available on the council's website: [Corporate Enforcement Policy | Newcastle-Under-Lyme Borough Council](#)

3. Service Delivery

3.1 Interventions at Food Establishments

An annual risk-prioritised programme of inspections will be undertaken in accordance with the Food Safety Act 1990 Code of Practice. The Service will use the full range of interventions and enforcement options available to ensure that the highest standards of food hygiene and safety are achieved and maintained.

In 2022/23 there are 397 food premises due for a Food Hygiene Inspection in the table below:

Food premises risk band	Total due in 2022-23	Total due in 2021-22	Total due in 2020-21
A – Highest 'risk'	0	0	0
B	10	8	29
C	89	75	99
D	83	163	175
E – Lowest 'risk'	170	114	130
OUTSIDE	8	2	2
UNRATED	37	81	28
Grand Total	397	443	463

In 2022/23 the Service aims to achieve:

100% of High Risk food premises (categories A – B) using full inspections/audits.

100% of category C premises using full inspections/audits.

90% of category D premises using full inspections/audits.

100% of category E premises will be subject to an inspection or alternative enforcement strategy such as a self-inspection form, to help assess compliance and identify if there has been any change in operations that warrants an inspection.

Classification: NULBC **UNCLASSIFIED**

100% of Unrated premises using full inspections/audits.

NB we received 81 new food premise registration forms in 2021/22 notifying us of new food businesses or changes in ownership. This area of work places a significant demand on our Service as these inspections should be carried out within 28 days. We have no control over this reactive type of work and will aim to achieve 100% of these inspections. However if demand becomes excessive, then resources will be diverted away from lower risk category E and D inspections.

National Food Hygiene Rating Scheme

Newcastle-under-Lyme Borough Council was the first Council in Staffordshire to launch the national Food Hygiene Rating Scheme in June 2011. This has allowed residents and visitors the opportunity to make an informed choice about where they eat based on the premises last Food Hygiene inspection.

After each inspection all food premises are given a score based on their compliance with food hygiene law and confidence in management. These scores are then converted into a Food Hygiene Rating based on the FSA's 'Brand Standard'. Businesses can receive a Rating between zero and five.

On 1st April 2022 the following profile of Food Hygiene Ratings were published:

FHRS	Total Premises April 2022
5 – Very Good	757
4 – Good	78
3 – Generally Satisfactory	28
2 – Improvement Necessary	3
1 – Major improvement necessary	1
0 – Urgent Improvement Necessary	None
Grand Total	867

The Food and Safety Team plan to target any premises rated 3 or below to try and improve hygiene standards and protect public health. These premises will be subject to an enhanced number of revisits with the aim of improving standards. However where very serious hygiene offences are identified these premises may also be subject to enforcement action.

Please note, certain categories of food businesses are exempt from the scheme if they do not sell direct to the public or are handling low risk food only e.g. newsagents.

Revisits

Revisits are only made where serious or ongoing contraventions are found during the initial inspection. Last year 3 Food Hygiene revisits were carried out.

Alternative Inspection/ Intervention Strategies

The Service uses an alternative enforcement strategy to deal with lower risk category E food premises. This approach is advocated by the Food Standards Agency as a means to target limited resources towards areas of greatest risk.

The strategy involves sending a food safety questionnaire to those low-risk businesses rated as an E. Proprietors must then self-assess the food safety risk posed by the business and return the questionnaire. Responses are assessed to determine whether any further action is required and non-respondents are targeted with follow up actions and visits if necessary.

Inland control of Imported food

Officers routinely check the traceability of all food during their interventions and this includes food that has been imported from outside the EU ('Third' countries). Officers within the team have received specialist training in Imported Food Control from the Food Standards Agency and support materials are available on the FSA website. Officers also monitor the microbiological quality of imported food as part of national and cross-regional sampling programmes.

3.2 Food Complaints

Food complaints received and investigated by the service fall into one of the following categories of Service Request:

- Food contamination
- Complaints about Hygiene of food businesses (hygiene, pests etc.)

Year	Food Complaints	Hygiene of Food Premises
2021/22	33	49
2020/21	35	27
2018/19	52	251
2017/18	29	161
2016/17	80	232

We have no control over this reactive area of workload and will aim to respond to all service requests within the necessary timescales. Where the service receives excessive numbers of service requests then the Team Manager and Head of Service will make a decision on how these should be prioritised and whether resources need to be re-allocated.

Service requests are investigated in accordance with established procedures and policies. The initial response to complaints will be within five working days depending on the severity of the complaint, with more serious complaints receiving a more urgent response. Covid 19 lockdowns have reduced customer visits and purchases during 20/ 21 which is reflected in the totals above.

3.3 Home Authority Principle and Primary Authority Scheme

The Home Authority Principle is an arrangement where multi-national food businesses can enter into a formal arrangement with a single local authority (known as their Home Authority), to agree on common standards and interpretation of the Regulations in their many premises with the aim of ensuring consistency of enforcement. Local Authorities dealing with these businesses are then expected to have regard to any arrangement agreed by the Home Authority before taking enforcement action.

Primary Authority Scheme

Regulatory Delivery's Primary Authority Scheme is the gateway to simpler, more successful local regulation. It gives businesses the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance.

Newcastle Borough Council is not currently acting as a Primary or Home Authority for any businesses within the borough. All of our officers are aware of the schemes and prior to any inspection of a food business that has a Primary Authority, our officers will check the Primary Authority website to review documentation and inspection plans.

3.4 Advice to Business

Wherever possible, our officers will try and work with new and existing food businesses to help them comply with the legislation. Officers will offer advice when requested, and will encourage food business operators through an educative approach to adopt good practice. This is achieved through a number of measures:

- On request, Business support and advice ;
- Advisory visits to new and existing businesses who require guidance;
- Advice is routinely given during inspections and other visits to premises;
- Provision of information leaflets and signposting;
- Responding to service requests and enquiries;
- The Council's website;

3.5 Food Inspection and Sampling Programme

Our food sampling activities play an important role in monitoring the microbiological quality of food sold locally which helps us verify that the food business operators have effective food hygiene controls in place. Food is sampled according to a programme co-ordinated through the Staffordshire and Shropshire Food Liaison Group, together with colleagues at the regional UKHSA laboratory at in London. Members of the group implement national, cross-regional and local sampling initiatives based on national intelligence and incidents.

Additional food sampling is carried out as necessary to support food hygiene inspections, the investigation of food complaints and outbreaks of food borne disease.

Samples are currently sent for microbiological examination to the UKHSA, UKAS accredited laboratory in London. The laboratory send a courier to collect samples from the Council offices on Tuesdays and Thursdays.

Samples requiring analysis for chemical or physical parameters are sent to the Public Analyst.

The following table outlines the number of food samples taken from food premises for microbiological examination in the last 5 years, (in 2020/22 the sampling program was paused due to covid 19):

Year	Microbiological Food Samples
2021/22	0
2020/21	0
2019/20	104
2018/19	113
2017/18	120

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Food and Safety team investigates all reported cases and outbreaks of food poisoning occurring within the borough in liaison with our colleagues at UKHSA.

The objectives of this service are to:

- Fulfil the Council's statutory responsibilities relating to the control of infectious disease;
- Identify the source and cause of reported infection;
- Implement measures to prevent further spread;

- Protect public health by providing cases and members of the public with advice on personal hygiene, safe food handling and control of infection;
- Exclude food handlers and people working with high-risk groups in consultation with the Consultant in Communicable Disease Control (CCDC);

Large outbreaks are resource intensive and place significant demands on the Service. In the event of a significant outbreak, the Team Manager and Head of Service will monitor the situation and re-allocate resources and staff from other areas as necessary.

During 2020/21 the Council received 204 reported cases of infectious disease. Control of food related infectious disease is a priority area due to the possible health consequences for the individual and the risk of infection spreading within the community. This area of the service will therefore receive whatever resources are required to fulfil these duties.

3.7 Food Safety Incidents

Food Alerts, product withdrawals and recalls

The FSA issues information about product withdrawals and recalls to let consumers and local authorities know about problems associated with food. A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example. A Food Alert for Action is issued where intervention by enforcement authorities is required. These notices and alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

When a Food Alert for Action is issued, the Council must carry out the specified actions within the alert which may include visiting food premises and removing contaminated food from sale.

The FSA also sometimes issues Allergy Alerts which are normally dealt with by our colleagues in Staffordshire County Council's Trading Standards department.

Food Alerts are sent to the Council via a designated e-mail address which are auto-forwarded to members of the Food and Safety team for their prompt attention. Outside normal working hours the Environmental Health Team Manager subscribes to the FSA's Food Alert text messaging service to alert them to any significant Food Alerts: For Action. The Environmental Health Service also operates an emergency out of hours standby rota so there is always a Manager available to respond in an emergency.

Given the reactive nature of Food Alerts it is not possible to predict the likely resources required. A 'Food Alert: For Action' can have large resource implications as they sometimes involve the need for us visit a large number of food businesses. However due to the risk to Public Health, it is essential that adequate resources are provided to action these Alerts and this area of the service will receive whatever resources are required to fulfil these duties. In serious cases the Team Manager and Head of Service will reallocate, or obtain additional resources to deal with the incident and maintain other high risk workload.

In 2021/22 we received:

Food alert for action	5
Food alert for information	97
Food allergy alert	60
Food recall information notice	45

3.8 Liaison with Other Organisations

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities.

This is achieved through regular meetings of the Central Food Group North (Staffordshire & Shropshire) Food Liaison Group, which is attended by the Regulatory Services Team Manager - Food and Safety. This group comprises of representatives from each of the 9 district and borough councils in the county, alongside Shropshire and Telford and Wrekin Council's, the County Council Trading Standards Department and the UKHSA laboratory and Health Protection teams.

This forum provides an opportunity for the authorities to discuss consistency issues both in their approach to enforcement and in the operation of the Food Hygiene Rating Scheme. The group holds regular training and consistency events and also implements an inter-authority auditing programme. The group also considers centrally issued guidance and consultations from the Food Standards Agency.

The Council also sends a representative to regular meetings with the Health protection team at UKHSA in Birmingham, where communicable disease issues are discussed. These meetings are also attended by the Consultant in Communicable Disease Control (CCDC), local Water companies, DEFRA, AHVLA, Public Health nurses and the Microbiology department.

3.9 Food Safety Promotion

Officers routinely promote food safety issues during their day to day contact with Food Business Operators. We will also be participating in campaigns to promote awareness of the Food Hygiene Rating scheme as part of national Food Safety week.

4. Resources

4.1 Financial Allocation

The Food Safety and Regulatory Services budget is published separately on the Council's website at www.newcastle-staffs.gov.uk/

4.2 Staffing Allocation

The Food Safety service within the Council employs the following officers:

Regulatory Services Team Manager – Food and Safety
2 FTE Environmental Health Officers
2 Technical Assistant
1 Food and Safety Assistant
1 Support Assistant (Support staff)

NB These officers do not spend all of their time on Food Law enforcement as they are also responsible for a number of other professional functions such as Health and Safety enforcement, Infectious disease control, Corporate Health and Safety, Licensing etc.

4.3 Staff Development Plan

The council is committed to providing each officer responsible for Food Law enforcement with a minimum of 20 hours Continuing Professional Development (CPD) training each year.

All officers undertaking food safety work meet the qualifications and experience requirements detailed in the Food Safety Act Code of Practice.

Officers responsible for inspecting complex manufacturing and formally approved processes have previously received specialist training.

Professional and technical competence is also supported by:

- The council's annual Performance Appraisal system which helps identify training and development needs;
- Membership of the Staffordshire and Shropshire Food Safety Liaison Group;
- In-house training sessions/team briefings;

5. Quality Assessment

The Environmental Health service has systems in place to help ensure that food hygiene interventions are carried out consistently and in accordance with the Food Law Code of Practice. To assist this process a number of procedure notes and templates have been created that are available electronically to all Officers.

A procedure relating specifically to quality monitoring of inspections has been developed and this is further reinforced by:-

- The Food and Safety Manager carrying out a regular review of the paperwork, notices, and reports produced by officers following inspections;
- Consistency exercises
- Internal and inter-authority audits;
- Monthly team meetings;
- Monthly management meetings;
- Annual Performance Appraisal;

5.1 Conflicts of Interest

Article 4(2b) of [Regulation 882/2004](#) requires that staff carrying out official controls are free from any conflict of interest.

All officers are aware of potential conflicts of interest that may arise in an enforcement situation through promotion of the Food Authority's services. Officers do not provide their own services, e.g. training, in their own time within the borough. We also ensure that potential or actual conflicts of interest do not arise as a result of Home or Originating Authority responsibilities and contracting in services for enforcement purposes.

Our officers do not promote the Borough Council's services exclusively if other providers of those services exist in the area. Pest control is an example of a Council service that may be provided in competition with those supplied by other organisations. In such circumstances customers will be made aware of the availability of alternative service providers.

5.2 Enforcement within local authority-run establishments

The Service has arrangements in place for ensuring compliance with food law in establishments where the Authority is itself the food business operator, and that steps are taken to ensure enforcement decisions are free from any conflict of interest.

If serious breaches of food law are detected in borough Council establishments, this will be brought to the attention of the Chief Executive, without delay.

Contract caterers that operate within local authority establishments will be registered and inspected in the normal way. In some Council buildings, café's, bars and vending machines are provided by outside contractors who register their businesses independently.

In some Council buildings small amounts of confectionary and ice cream are occasionally sold. In such circumstances the relevant Service Manager is responsible for registering the operation with the Food and Safety team and the operation will receive an inspection in the usual way.

6 Review

6.1 Review against the Service Plan

Each quarter performance data on key performance indicators is reported to Cabinet, as detailed below:

Indicator	2021/22 Result
Percentage of food premises that have a zero or one national food hygiene rating.	0.12%

This indicator measures the percentage of food premises that have a zero or one national food hygiene rating, where following each Food Hygiene Inspection, a food business is awarded a rating of between zero (Urgent improvement necessary) and Five (Very good). These ratings are published on the website at <https://www.food.gov.uk/> and <http://ratings.food.gov.uk/> Those premises that are rated zero (urgent improvement necessary) or one (major improvement necessary) have been found to be not complying with Food Hygiene Regulations and will be subjected to enhanced business support visits/revisits (and in the most serious cases enforcement action) to help them raise their compliance and protect public health.

6.2 Local Authority Enforcement Monitoring System (LAEMS)

Each year we submit performance data to the Food Standards Agency via an online LAEMS return which is reviewed by the food standards agency. The return for 21/22 was amended to reflect Covid 19 matters and to produce a recovery plan. The data submitted will not be published on the food standards agency website.

6.3 Identification of any variation from the Service Plan

Key performance indicators listed in the above tables are reviewed on a regular basis. Results are reported to the Head of Service along with reasons for any significant variation, and where necessary an action plan is agreed to prioritise workload.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
18 October 2022**

Report Title: Public Protection Sub-Committee Arrangements

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform Members of the future rota of attendance at the Public Protection Sub-Committee meetings.

Recommendation

That Members agree to:

- 1. Receive the report and agree to amend the frequency of meetings from every 3 weeks to monthly**
- 2. Note the date and time that their proposed attendance at sub-committee is necessary**
- 3. Notify Democratic Services of an available substitute in the event that they are unable to attend a meeting that they are due to attend**

Reasons

Following amendments to the Licensing and Public Protection Committee constitutional arrangements in 2018, to delegate decisions to the Public Protection sub-committee, a programme of meetings was agreed and included Member attendance. This report is notify Members of the dates and times they have been scheduled to attend future Public Protection Sub-Committee meetings.

1. Background

- 1.1 In May 2018 the Committee arrangements for the creation of a joint Licensing and Public Protection Committee and a Public Protection Sub-Committee were approved and subsequently implemented.
- 1.2 On 16th March 2021 the Committee agreed to a programme to cover the Sub-Committee meetings up until June 2021, and in July 2021 the Committee agreed to a programme to cover meetings up until March 2022.
- 1.3 An updated programme is included below at 2.5.

2. Issues

- 2.1 Members have previously agreed the following public protection sub-committee arrangements:

- Meeting will be held on a Wednesday, alternating between 2pm and 6pm start times.
- Committees will be held about every 3 weeks.
- A maximum of 5 reports/cases will be on the agenda, unless agreed with chair.
- Further meetings may be programmed, if needed.
- A programme of meetings and nominated members will be developed and reported to public protection committee. This will include 4 members per sub-committee to ensure a quorum of 3 members attendance.
- The sub-committee chair to be agreed between the sub-committee members.
- Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute

2.2 Members have previously selected a preference for their availability and this has been taken into account when developing a programme of meetings. In order to develop the programme in accordance with the committee decision, it has meant that members that were able to attend both daytime and evening meetings have been scheduled to support both daytime than evening meetings.

2.3 Several recent meetings have only had 2-3 matters being heard. As a result Officers are proposing to reduce the frequency of meetings from 3 weekly to monthly with the facility to add extra meetings if required.

2.4 The programme includes the proposed future dates until December 2024

2.5 An updated programme of meeting would be as follows:

Date	Time (pm)	Member 1	Member 2	Member 3	Member 4
09/11/2022	2pm	Cllr Wright	Cllr Skelding	Cllr White	Cllr J Williams
14/12/2022	6pm	Cllr Parker	Cllr G Williams	Cllr Allport	Cllr Heesom
18/01/2023	2pm	Cllr Whieldon	Cllr Barker	Cllr Heesom	Cllr Sweeney
08/02/2023	6pm	Cllr Wilkes	Cllr Barker	Cllr J Williams	Cllr Sweeney
08/03/2023	2pm	Cllr Parker	Cllr Brown	Cllr Wright	Cllr Skelding
19/04/2023	6pm	Cllr Brown	Cllr Adcock	Cllr Dymond	Cllr White
03/05/2023	2pm	Cllr White	Cllr J Williams	Cllr Whieldon	Cllr Barker
14/06/2023	6pm	Cllr Whieldon	Cllr Parker	Cllr G Williams	Cllr Allport
12/07/2023	2pm	Cllr Heesom	Cllr Sweeney	Cllr Parker	Cllr Brown
09/08/2023	6pm	Cllr Heesom	Cllr Wilkes	Cllr Barker	Cllr J Williams
13/09/2023	2pm	Cllr Wright	Cllr Skelding	Cllr White	Cllr J Williams
11/10/2023	6pm	Cllr Sweeney	Cllr Brown	Cllr Adcock	Cllr Dymond
15/11/2023	2pm	Cllr Whieldon	Cllr Barker	Cllr Heesom	Cllr Sweeney
13/12/2023	6pm	Cllr White	Cllr Whieldon	Cllr Parker	Cllr G Williams
17/01/2024	2pm	Cllr Parker	Cllr Brown	Cllr Wright	Cllr Skelding
13/02/2024	6pm	Cllr Allport	Cllr Heesom	Cllr Wilkes	Cllr J Williams
13/03/2024	2pm	Cllr White	Cllr J Williams	Cllr Whieldon	Cllr Barker

17/04/2024	6pm	Cllr Barker	Cllr Sweeney	Cllr Brown	Cllr Adcock
08/05/2024	2pm	Cllr Heesom	Cllr Sweeney	Cllr Parker	Cllr Brown
12/06/2024	6pm	Cllr Dymond	Cllr White	Cllr Whieldon	Cllr Parker
10/07/2024	2pm	Cllr Wright	Cllr Skelding	Cllr White	Cllr J Williams
14/08/2024	6pm	Cllr G Williams	Cllr Allport	Cllr Heesom	Cllr Wilkes
11/09/2024	2pm	Cllr Whieldon	Cllr Barker	Cllr Heesom	Cllr Sweeney
09/10/2024	6pm	Cllr J Williams	Cllr Barker	Cllr Sweeney	Cllr Brown
13/11/2024	2pm	Cllr Parker	Cllr Brown	Cllr Wright	Cllr Skelding
18/12/2024	6pm	Cllr Adcock	Cllr Dymond	Cllr White	Cllr Whieldon

3. **Proposal**

3.1 That Members receive the report and agree to amend the frequency of meetings from every 3 weeks to monthly

3.2 That Members note the date and time that their proposed attendance at sub-committee is necessary.

3.3 Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.

4. **Reasons for Proposed Solution**

4.1 To enable Committee to determine applications in the most efficient, effective and practical manner.

5. **Options Considered**

5.1 There a number of potential alternative options in terms of rota cover, but none has any particular advantages of disadvantages over the proposal set out.

5.2 A three-weekly meeting cycle could be retained, but this would seem to be a less efficient option than what is being currently proposed.

6. **Legal and Statutory Implications**

6.1 None arising from the content of this report.

7. **Equality Impact Assessment**

7.1 None arising from the content of this report. The continuing frequency, timings and flexibility of meeting arrangements ensures that equality considerations for members, officers, applicant's and representatives can be appropriately accommodated.

8. **Financial and Resource Implications**

8.1 There will be resource implication including Member participation in the sub-committees and officer support from Environmental Health, ICT, Legal and Democratic services.

9. **Major Risks**

9.1 There are no major risks associated with this report.

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 Numerous, relating to the setting of previous rota and sub-committee arrangements, including:-

- Council Meeting 16th May 2018
- Licensing & Public Protection Meeting 27th June 2018
- Licensing & Public Protection meeting 18th September 2018
- Council Meeting 21st November 2018
- Licensing & Public Protection meeting 11th December 2018
- Licensing & Public Protection meeting 22nd January 2019
- Licensing & Public Protection meeting 5th August 2020
- Licensing & Public Protection meeting 16th March 2021
- Licensing & Public Protection meeting 27th July 2021

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 Not applicable



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 20 September 2022

Report Title: Proposed amendments to Taxi Licencing Policy 2021-2025

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To determine proposals for amendments to the Taxi Licensing Policy as proposed by Officers

Recommendation

That

- 1) Members determine that the proposals contained within this report are implemented into the Policy inline with the proposed implementation dates

Reasons

Since the Policy was last amended in January 2021 to implement the changes made due to Statutory Guidance, and February 2022, to remove the requirement for drivers to undertake a relevant BTEC course, there have been multiple new pieces of legislation and matters identified by Officers that could assist with the administration of the taxi licensing regime.

1. **Background**

- 1.1 The Council's current taxi policy was implemented on 1st November 2019. It has undergone two reviews since. Firstly in January 2021 when the Committee determined to adopt the provisions of the Statutory Guidance issued by the Department for Transport. Then again in February 2022 where following officer recommendation the Committee agreed to remove the requirement for drivers to have passed a relevant BTEC vocational course that is no longer run locally.
- 1.2 The policy can be reviewed at any time within the currency of the policy and the Council has committed to reviewing the policy every 5 years at a minimum. Officers keep a record of issues that are identified through matters arising out of applications and dealing with licence holders, as well as monitoring changes in legislation and guidance. All of these considerations inform potential reviews of the policy.
- 1.3 Contained at Section 1.4 of the taxi licensing policy are provisions that relate to when the policy will be reviewed and when amendments can be made without consultation with stakeholders:

"1.4 Review of the Policy

1.4.1 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.

1.4.2 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."

1.4 Taxi licensing is an ever evolving regime. A primary example of this is the two new pieces of legislation enacted this year that were borne out of Private Members' Bills, the details of which were reported to the Committee meeting on 28th June 2022. The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 ("the Act") vastly changed the scope of the Equality Act 2010 by broadening the protections for disabled persons and increasing the responsibilities of both taxi and private hire drivers, and private hire operators.

1.5 On 17th August 2022 Officers notified all current Private Hire Operators, Trade association representatives and a local licensing consultant on the below proposals with a view to obtaining any comments in relation to them. They were asked to disseminate the information to their drivers, members and clients respectively. They were given until 2nd September 2022 to offer any comments with the intention that they would be fed into this report for Members to consider. A copy of the correspondence is attached as Appendix 1.

2. Issues

2.1 The current taxi licensing policy provides that all new applicants for a taxi driver licence must undertake Disability Equality Training:

"3.2.4 In addition to submitting the application form and fee an applicant must: Pass Disability Equality Training approved by the Council" and for applicants renewing their licence:

3.2.5 On renewal of an existing licence, applicants must: Pass Disability equality training approved by the Council (first renewal after policy implementation only)".

2.2 With the policy having been in force since November 2019 and the above disability training requirements for drivers having been in force since January 2020 it is approaching 3 years from its inception. In that time we have progressed a small number of complaints in relation to discrimination due to individuals' disabilities, such as refusals to carry assistance dogs or offer assistance with luggage. It is also evident that there are no provisions within the policy that relate to private hire operators undergoing the disability training.

2.3 The Act has amended the Equality Act 2010 and placed much wider considerations and responsibilities on both drivers and private hire operators than ever before. The primary reason Officers are requesting this review of the policy relates to amending the provisions around who has to undertake the Disability Equality (DE) training and how frequently they must undertake it to ensure that the persons involved in the trade have sufficient knowledge to undertake their duties professionally and eliminate discrimination against those with disabilities. However there are a number of other matters also being proposed, as can be seen in the table below.

- 2.4 Officers are proposing that the provision for new drivers at 3.2.4 remains the same, but the provision at 3.2.5 that relates to drivers renewing is amended to remove the clause that relates to it being on “*first renewal after policy implementation only*”. In effect this would mean that drivers have to undertake the DE training every time they renew their licence, normally every 3 years. This would fall in line with the Safeguarding and CSE training requirements for new and renewal drivers.
- 2.5 Officers are also proposing that all Private Hire Operators should undertake the same DE training due to the requirements placed upon them. There is currently no requirement for anyone involved in the operation to undertake any training other than the same Safeguarding and CSE training that drivers go through. This would apply to all persons named on the licence whether it be as individuals, sole traders, a partnership, or in the case of a company all directors, partners and company secretaries. It would also apply to all employees of the operation, in line with the current provisions around the Safeguarding and CSE training.
- 2.6 Whilst not a matter for the policy, if this proposal is successful, officers are intending on amalgamating the Safeguarding and CSE training with the DE Training to reduce the number of courses that individuals have to undertake, improve the economies of scale and therefore reduce the overall cost to an applicant. We are currently in discussions to procure a suitable provider for this joint course should the proposals be agreed.
- 2.7 Adopting the proposed amendments in relation to the training requirements, and several other minor amendments, into the current taxi licensing policy requires the changes outlined in the table below together with the page number for the new/amended text indicated via track changes in the amended policy attached as **Appendix 2**.

Proposed change	Page number in amended policy
a) Version number	2
b) Total number of licences	9
c) Information on application submission	13
d) New driver time frame for completion of DE Training	16
e) Amendment to medical provisions for greater clarity on who can administer the tests and what records they need to have available (new applicants)	16
f) To remove the clause that the DE training is only required upon first renewal and include timeframe for successful completion	17
g) Amendment to medical provisions for greater clarity on who can administer the tests and what records they need to have available (renewal applicants)	17
h) Add criteria for an HPI check, or equivalent, to be provided prior to licensing a HCV if requested by the Council	21
i) Clarity on when a HCV must be retested after having been in an accident	22
j) Clarity that relevant parties must complete V5 logbook for HCVs	23
k) Add criteria for an HPI check, or equivalent, to be provided prior to licensing a PHV if requested by the Council	28

l) Clarity on when a PHV must be retested after having been in an accident	29
m) Clarity that relevant parties must complete V5 logbook for PHVs	29
n) Correct error on timeframe PHOs have to complete safeguarding training	34
o) Include new provision that PHOs must undertake the DE training	34
p) References to PHOs undertaking DE training	36
q) Include that drivers must inform Council if licence/s held by another authority are suspended, revoked or refused	47
r) Amend code of conduct to not accept property in lieu of payment	48
s) Removal of irrelevant condition on HCV licence	57
t) Clarify timeframe for notification of driver details for HCVs	57
u) Include new condition that proprietors must notify Council if HCV is declared a total loss/write off	57
v) Include a new condition that proprietors of HCVs must provide an HPI check, or equivalent, upon request	57
w) Clarify timeframe for notification of driver details for PHVs	65
x) Include new condition that proprietors must notify Council if PHV is declared a total loss/write off	65
y) Include a new condition that proprietors of PHVs must provide an HPI check, or equivalent, upon request	65
z) Provide clarity as to what information is required to be retained for contract bookings	76

2.8 Having sought legal advice it is Officers opinion that none of the proposed amendments could be considered detrimental to the licensees' interests.

3. **Proposal**

3.1 Members determine that the proposals are implemented into the Policy inline with the proposed implementation dates below:

3.1.1 The joint Disability Equality, Safeguarding and CSE Training to be implemented from 1st January 2023 to allow for the procurement of a suitable provider; and

3.1.2 All other proposals are implemented with immediate effect.

4. **Reasons for Proposed Solution**

4.1 To provide clarity around certain provisions within the policy;

4.2 To remedy some information within the policy;

4.3 To extend and clarify the requirements around who is mandated to complete the Council's DE training course. To allow for more frequent training on an evolving subject, similar to Safeguarding matters, and include Private Hire Operators who have

significant responsibilities to vulnerable customers but currently receive no training on the matter.

5. **Options Considered**

- 5.1 That the amendments proposed will provide greater clarity for all parties that use the policy, and ensure that all relevant persons are undertaking relevant training for the role that they play in the taxi and private hire trade.
- 5.2 Do nothing, although that would not achieve the goals proposed
- 5.3 Modify the proposals as considered appropriate to achieve the same objectives

6. **Legal and Statutory Implications**

- 6.1 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards. Part of the Statutory Standards provides that Councils should have “*a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards. When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.*”
- 6.2 Inherent in this duty is a duty to keep policy documents under review and up to date. The proposals set out here are designed to comply with that duty.
- 6.3 Another legal consideration is whether there is a duty to consult on what is proposed here. The relevant considerations in this regard are set out in the body of the report.

7. **Equality Impact Assessment**

- 7.1 EIA was considered by Government in formulating the statutory guidance. No EIA has been conducted with specific regard to these proposed amendments. However, the substantive changes are designed to improve disability and equality awareness which can only have a positive impact on equality considerations.

8. **Financial and Resource Implications**

- 8.1 The proposed changes will have very little impact on resources to administering the changes. There are no financial impacts upon the Council identified arising from this report, however PHOs and drivers renewing for a second time since the policy was introduced, do not currently undertake DE training which means that they would be subject to additional training and potentially costs, although they would be low.

9. **Major Risks**

- 9.1 No major risks have been identified.

10. **Sustainability and Climate Change Implications**

- 10.1 There are no impacts identified arising from this report.

11. **Key Decision Information**

- 11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Public Protection Committee, 20th August 2019 – initial adoption of the Taxi Licensing Policy 2019-2021

12.2 Public Protection Committee, 12 October 2020 – proposed adoption of the Taxi Licensing Policy 2021-2025 re: Statutory Standards

12.3 Public Protection Committee, January 2021 – adoption of the Taxi Licensing Policy 2021-2025 re: Statutory Standards

12.4 Public Protection Committee, February 2022 – adoption of the Taxi Licensing Policy 2021-2025 re: removal of vocational course

13. **List of Appendices**

13.1 Appendix 1 – Notification to Trade email – 17th August 2022

13.2 Appendix 2 – Version 13 NUL Taxi Policy 2021-2025.

14. **Background Papers**

14.1 [Statutory Taxi & Private Hire Vehicle Standards – Department of Transport – July 2020](#)

Matthew Burton

From: Matthew Burton
Sent: 17 August 2022 15:12
To: licensing
Subject: Notification of Proposed Taxi Policy Amendments
Attachments: DRAFT - NULBC Taxi Policy Sept 2022.pdf; Summary Document - 17.8.22.pdf

Good afternoon,

The Council are proposing to make a number of amendments to the [Current Taxi Licensing Policy](#) with a report going before the Public Protection Committee in September 2022. The proposals have been discussed with our Legal Department and the advice received is that none of the proposals would have a detrimental effect on applicants and/or licensees and therefore a formal consultation is not required. However out of courtesy I write to you to notify you of the proposals in advance for any comments you wish to make.

I have attached a copy of the Policy with tracked changes to show the proposed amendments in full, and for ease I have attached a summary table of the proposals. I would be grateful if you could circulate this to your drivers/members/clients.

For your information, if the proposals are approved, the Council are intending to amalgamate the Safeguarding and Disability training courses into one course, which would deliver efficiencies for all parties and reduced overall costs to applicants and licence holders.

The deadline for receipt of comments is **midday on Friday 2nd September 2022**. Please send any comments in writing to licensing@newcastle-staffs.gov.uk.

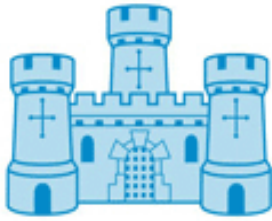
Regards,
Matt

Matt Burton
Licensing Administration Team Manager – Regulatory Services
Newcastle-under-Lyme Borough Council
01782 717717

www.newcastle-staffs.gov.uk

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BOROUGH COUNCIL

**THE BOROUGH COUNCIL OF
NEWCASTLE-UNDER-LYME**

TAXI LICENSING POLICY

2021-2025

Document Control	
Prepared by:	Matthew Burton
Title	Taxi Licensing Policy
Status	Approved
Author	Matthew Burton
File Name	Master – NULBC Taxi Policy
Document Owner	Matthew Burton
Keywords	Taxi, private hire, policy, conditions, convictions
Date of Review	February 2022

Revision History			
Version	Date	By	Summary of Change
1.0			Creation
1.1			Comments from
2.0	18.8.17	MBU	Amendments following working groups
3.0	17.11.17	MBU	Amendments following correspondence with Outside Bodies
4.0	26.1.18	MBU	Amendments following discussions with HoEH
5.0	17.7.18	MBU	Amendments following Taxi Conference and Jim Button training
6.0	30.7.18	MBU	Amendments following discussions with HoEH
7.0	30.8.18	MBU	Amendments following Internal Consultation
8.0	28.6.19	MBU	Amendments following decisions by Public Protection Committee on 11 th June 2019
9.0	30.11.19	MBU	Amendment to Appendix L with agreed vehicle signage at Committee on 22.10.19
10.0	15.09.20	MPB/ MBU	Amendments to reflect Statutory Guidance issued by the Secretary of State for Transport July 2020, typographical and referencing amends and minor inconsistencies
11.0	26.1.21	MBU	Amendments following consultation and agreed at Committee on 26.1.21
12.0	29.4.22	MBU	Removal of BTEC requirement for drivers. Agreed at Committee 15.2.22
13.0	18.10.22	MBU	Amends re: Disability training and clarifications

Approval Signature			
Name:		Date	
Name:		Date	
Council	Approved	Date	

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Glossary

- 'The Council' or 'the Authority' refers to Newcastle under Lyme Borough Council, except if stated otherwise;
- 'Drivers Licence' refers to the Dual Hackney Carriage and Private Hire Drivers Licence issued by the Council, except if stated otherwise;
- 'Driving' refers to an individual driving a 'Vehicle' or 'Licensed Vehicle' under their 'Drivers Licence'
- 'Garage Test' or 'Safety Test' refers to the mechanical safety test undertaken for all vehicles applying for the grant of a new or to renew a 'Vehicle' licence;
- 'Hackney Carriage' refers to a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire in the area covered by the Council;
- 'Medical Exemption Certificate' refers to a certificate that may be issued by 'the Council' under ss166, 169 and 171 of Equality Act 2010 to an individual with a 'Drivers Licence' to exempt them from the legal requirement to carry assistance dogs or offering assistance to passengers in a wheelchair;
- 'MOT' refers to a test carried out by an authorised vehicle examiner upon a 'Vehicle' in line with the statutory provisions;
- 'Private Hire Operator' refers to a person who holds an operator's licence under the Act and makes provision for the acceptance of private hire bookings for themselves or to pass to others to undertake;
- 'Private Hire Vehicle' refers to a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") to carry passengers for hire or reward by prior booking;
- 'Private Hire Vehicle Exemption Certificates' refers to a certificate that may be issued by 'the Council' under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to exempt a 'Private Hire Vehicle' from certain statutory requirements and/or licence conditions;
- 'Taxi' refers to both a Hackney Carriage and Private Hire provisions;
- 'Vehicle' or 'Licensed Vehicle' refers to both a Hackney Carriage and Private Hire vehicle;
- 'Wheelchair Accessible Vehicle' refers to a vehicle that has been specifically designed, or converted, to allow for the safe carriage of at least one passenger in a wheelchair alongside the fixed seating arrangements of the 'Vehicle'.

ABOUT THIS POLICY

1.1 Introduction

The Borough Council of Newcastle-under-Lyme (“the Council”) is the licensing authority for the private hire and hackney carriage regime in the Borough of Newcastle-under-Lyme.

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 key corporate priorities of:

- Local Services that Work for Local People;
- Growing our People and Places;
- Healthy, Active and Safe Borough; and
- A Town Centre for All

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.

Should you wish to contact the Council’s Licensing Team, the address for correspondence is:

Licensing Administration Team
Newcastle-under-Lyme Borough Council
Castle House, Barracks Road
Newcastle-under-Lyme,
Staffordshire,
ST5 1BL

T: 01782 717717

E: licensing@newcastle-staffs.gov.uk

The main types of licence are:

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 Newcastle-under-Lyme;
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.

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.

Each time this policy is reviewed a new version will be produced. This edition was approved by the Public Protection Committee on 26th January 2021.

1.2 The Council's Mission Statement

Scope

1.2.1 The Taxi Licensing Policy ('the 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

1.2.2 The fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit the Borough of Newcastle-under-Lyme. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of the Borough's 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 Policy.

1.2.3 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.

1.2.4 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 [Newcastle-under-Lyme BC's Safeguarding Policy](#), and Appendices A and K 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 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?”.

- 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.

1.2.5 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, 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.

1.2.6 The Policy is also designed to put the Council's licensing requirements into context.

1.3 Consultation and Communication

1.3.1 In determining the Policy, the Council has consulted widely as set out on page 44. The views of relevant stakeholders have been taken into consideration.

1.3.2 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 methods of communication and consultation will be determined on what is most appropriate in the circumstances.

1.4 Review of the Policy

1.4.1 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.

1.4.2 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.

1.5 Legislative framework

1.5.1 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.

1.5.2 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:

- [Safeguarding Policy](#)
- Equality & Diversity Policy
- [Data Protection Policy](#)
- [Enforcement Policy](#)

1.5.3 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 Council’s Data Protection Officer at dataprotection@newcastle-staffs.gov.uk

1.5.4 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.

1.6 Conditions

- 1.6.1 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 Policy, i.e. to protect the safety and welfare of the public, and in particular children and vulnerable adults.

1.7 The Service provided by the Council

Level of taxis and private hire vehicles in Newcastle-under-Lyme

- 1.7.1 There are, as at present, approximately **800+** drivers, **70+** operators, **500+** private hire vehicles and **150+** hackney carriages (**NB:** numbers fluctuate as licences are granted, lapse or are surrendered based on market forces). The Council does not set a cap on the maximum number of licences it will issue.

What can I expect from the Licensing Service?

- 1.7.2 You can expect a friendly and efficient service. The service aims to be focused on the public and the trade. If you have any concerns about the service you receive please contact a member of the licensing team in the first instance.

Ultimately, if you are unhappy with the service provided you can escalate this via the Council's complaints procedure which can be found at: <https://www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments>

The Council's performance should be open to scrutiny and you should know when you can expect to receive an answer. We have therefore set the following service standards:

- To submit an online Disclosure and Barring Service Check form (DBS form) within 2 working days of receipt of the relevant supporting documentation subject to any relevant Home Office checks being carried out;
- To issue a vehicle licence plate within 5 working days of receiving all the relevant documentation;
- It is the Council's aim to process all valid renewal applications within 10 working days;
- To respond to voicemails and messages within 1 working day or receipt;
- To acknowledge any email received within 2 working days of receipt;
- To acknowledge letters within 5 working days of receipt;
- To respond to enquiries within 10 working days;
- 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.

Our approach

- 1.7.3 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

- 1.7.4 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.

LICENSING PRINCIPLES, DELEGATION AND DECISIONS

2.1 Licensing Principles

- 2.1.1 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.
- 2.1.2 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 Public Protection Committee and officers of the Council.
- 2.1.3 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.
- 2.1.4 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.

2.2 Licensing Process and Delegation of Functions

- 2.2.1 The Council is the licensing authority. The Council's constitution delegates all functions relating to the licensing of private hire/taxis to the Public Protection Committee, Sub-Committee and authorised officers of the Council, with the exception of the Taxi and Private Hire Licensing Policies which are subject to approval by full Council.
- 2.2.2 Whilst officers and the relevant committees will, in the majority of cases, follow Policy and statutory guidance, there may be specific circumstances that require a departure from these. In such circumstances, the reasons for departing from Policy or Guidance will be made clear.

2.3 Committees

2.3.1 Public Protection Committee

This Committee is currently made up of 15 members of the Council. It deals with policy issues, standard conditions of licence, the setting of fees and charges and hackney carriage fares. Further details can be found on the Council website: <https://www.newcastle-staffs.gov.uk/all-services/your-council>

2.3.2 Public Protection Sub-committee

This Committee is made up of a selection of Members from the Public Protection Committee. Three to Four members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred by officers, with a quorum of 3 members. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to:

- hackney carriage and private hire legislation,
- this Policy,
- The Council's Safeguarding Policy,
- Department for Transport and any other Government Guidance as applicable;
- Road Traffic Act 1988 and other relevant road traffic legislation including MOT provisions,
- Human Rights Act 1998,
- Equality Act 2010,
- Deregulation Act 2015,
- Immigration Act 2016
- any relevant legal case law; and
- other relevant Council policies.

2.4 Decisions

2.4.1 The Council, by virtue of a duly authorised officer, 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 or issues cautions where applicable.

2.4.2 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 policies, statutory guidance and procedures.

2.4.3 Where applications are to be determined, the officer, or Public Protection Sub-committee as appropriate 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, testing vehicles or enforcement and officers from Staffordshire Police; and

In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.

2.4.4 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 within 7 days or as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

2.4.5 Licensing decisions are made in accordance with the powers and authorities delegated by the Council's constitution:

- Decisions on driver's applications are taken by a duly authorised officer or the Public Protection Sub-Committee.
- Decisions on vehicles are taken by a duly authorised officer or the Public Protection Sub-Committee.
- Decisions on existing and prospective private hire operators are taken by the Public Protection Sub-committee, except where renewal of an existing operator licence is within the scope of this policy.

Application/Renewal Decision

- 2.4.6 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.
- 2.4.7 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

- 2.4.8 Suspension, Immediate Suspension, Revocation and Immediate Revocation of a dual drivers licence can be carried out by the Public Protection Committee, Sub-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.

- 2.4.9 Suspension or Revocation of a vehicle licence can be carried out by a duly authorised officer, Public Protection Committee or the Public Protection Sub-Committee.

2.5 Appeals

- 2.5.1 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 appropriate independent legal advice in such circumstances.

2.6 Working in partnership

- 2.6.1 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.
- 2.6.2 The Borough Council of Newcastle-under-Lyme regularly meets and shares information with other enforcement authorities including Staffordshire Police and Staffordshire Trading Standards through the Newcastle-under-Lyme Responsible Bodies Group (RBG) and Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG).
- 2.6.3 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.
- 2.6.4 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.

TYPES OF LICENCE & APPLICATIONS

3.1 General Information

This part of the Policy concerns the types of licence and the necessary steps required to obtain and hold such a licence. These steps 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.

3.1.1 The following are applicable to all licence types:

- a. Where an applicant has failed to declare relevant information or provided false information, the application is likely to be refused since these acts are seen as behaviour that brings into question the applicants honesty and suitability to hold a licence; where this relates to an existing licence, the licence is likely to be considered for revocation on the same grounds. 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 for the application for a licence;
- b. 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;
- c. In the event that an application for a licence is paid by cheque, the application 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 Council will suspend the licence until such time as full payment has been received;
- d. 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.
- e. 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;
- f. 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.

Application submission

3.1.2 The Council are pursuing digital solutions to all application and notification procedures. To assist drivers, vehicle owners and operators to make applications 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 four weeks before the actual expiry of a licence.

The Council will endeavour to notify drivers 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

- 3.1.3 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 for 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-barring-service/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 Multiple Status Check Facility provided by the DBS service and, where this shows changes to a licensee's record, a new DBS disclosure will be required. **The licensee is required to pay the appropriate fee before the new DBS disclosure application is submitted.**

- 3.1.4 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>

- 3.1.5 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

- 3.1.7 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.

- 3.1.8 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.

- 3.1.9 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

- 3.1.10 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 illegal 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-and-communities>

<https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses>

Immigration Act 2016

- 3.1.11 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.

3.2 Dual Hackney Carriage and Private Hire Drivers Licences

- 3.2.1 It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council is satisfied that he/she is a "fit and proper" person to hold such a licence.

There is no agreed definition for "fit and proper" - in the absence of such a definition, the Council will use the widely accepted interpretation of:

"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?"

If, on the balance of probabilities, the answer to the question is 'no', the individual will not be granted a licence.

Period of licence

3.2.2 New and renewal driver licences will be valid for three years unless otherwise indicated by a medical practitioner as part of the medical examination, or there is a time limited right to work in the UK in which case the licence will be valid for the period indicated by the medical practitioner or document respectively or decided by Public Protection Sub-Committee.

3.2.3 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.

3.2.4 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 3 years. If the driving licence was not issued in the UK or EU then the applicant must comply with the requirements set out by the Government for exchanging/applying for a DVLA licence (<https://www.gov.uk/exchange-foreign-driving-licence>)
- 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 or be prepared for a digital photograph to be taken at your appointment;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements, where applicable;
- 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 Disability Equality Training approved by the Council within the previous 3 months;
- Provide a Safeguarding and Child Sexual Exploitation Awareness training certificate issued by the Council or by Staffordshire County Council within the previous 3 months;
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a GMC registered Medical Practitioner who confirms they have had access to the full medical records, or summary care records (SCR) that include details of any long term conditions and significant medical history, when determining the applicant's fitness to drive issued within the previous 3 months;
- Complete a DVLA data protection mandate (DP20) or provide a DVLA online check code
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver.

3.2.5 On renewal of an existing licence, applicants must:

- Submit a completed application form;
- Pay the appropriate licence fee;
- Provide a full UK driving licence (or the European equivalent) that has been held for at

least 3 years;

- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or be Registered with the update service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices
- Provide One (1) passport sized photograph or be prepared for a digital photograph to be taken at your appointment;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements;
- Provide a Safeguarding and Child Sexual Exploitation Awareness training certificate issued by the Council or by Staffordshire County Council within the previous 3 months;
- Pass Disability equality training approved by the Council within the previous 3 months
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a GMC registered Medical Practitioner who confirms they have had access to the full medical records, or summary care records (SCR) that include details of any long term conditions and significant medical history, when determining the applicant's fitness to drive issued within the previous 3 months;
- All licensed drivers aged 65 years and over must undertake a medical examination annually and produce the report to the Council;
- Complete a DVLA data protection mandate (DP20) or provide a DVLA online check code;
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake and pass the Council's knowledge test.

3.2.6 Providing the above are satisfied, the Council will renew the licence. It is the responsibility of the applicant to provide the Council with the DBS certificate once received. A licence will not be issued without a current DBS certificate, or any of the other specified documents that make up a complete application.

3.2.7 To allow continuous driving, applicants for licence renewals should allow at least eight weeks for the DBS check. Valid renewal applications (including a current DBS certificate) must be received by the Council at least 5 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application.

Where applicants fail to submit a valid renewal application within this timescale, their licence may expire before the renewal is issued. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances.

It is the driver's responsibility to notify the Council of any cautions, convictions or other disposals received during the course of a licence period, in line with the driver code of conduct. Failure to notify the Council at the time of the caution, conviction or disposal may lead to a licence being referred to the Public Protection Sub-Committee to be determined. In these instances the Council will not issue a licence for any interim period between the expiry of the current licence and the next available Public Protection Sub-Committee hearing.

3.2.8 Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new driver licence application which will be processed in accordance with the Council's new application procedures.

The main legal requirements of the driver licence are as follows. The full driver code of conduct is shown in **Appendix B**:

Production of documents

Classification: NULBC UNCLASSIFIED

- 3.2.9 The driver must, on request, produce for inspection their hackney carriage/private hire driver's licence immediately or within 7 days to either the Council's offices or a police station.

Driver's badges and licences

- 3.2.10 The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible. The driver must also display the second badge issued by Council in a prominent position within the vehicle that they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney carriage or private hire driver.
- 3.2.11 All drivers of vehicles licensed for hackney purposes of which they are not the proprietor, must before commencing driving that vehicle, deposit their driver's licence (paper counterpart) with the proprietor **before** commencing driving the vehicle. The vehicle proprietor must retain the licence until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.
- 3.2.12 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 badges 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.

Journeys

- 3.2.13 Drivers must not unnecessarily prolong a journey, in distance or in time.

Vehicles

- 3.2.14 Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes

Driving Licensed Vehicles

- 3.2.15 Only drivers who are licensed by the Council that licensed the vehicle are permitted to drive the licensed vehicle. The only exceptions to this are when the vehicle is undergoing an MOT 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.

Smoking in vehicles

- 3.2.16 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 the use of electronic cigarette and/or vapourisers etc. If drivers are witnessed smoking, or allowing a passenger to smoke, in a licensed vehicle then they may be served with a fixed penalty notice, issued with a warning and/or referred to the Public Protection Sub-Committee. Drivers smoking when their vehicle is parked / not hired must get out and step away from their vehicle.

Transporting children

- 3.2.17 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. Failure to use a child car seat or similar designed apparatus where available, will enable the driver to refuse the carriage of that child/young person. However drivers will not be able to refuse to carry children if the booking they are carrying out is under a Staffordshire County Council, or other relevant body, contract for carrying vulnerable persons, and if appropriate they may be carried in the front passenger compartment of the vehicle.

However once in the vehicle it is the driver's responsibility to ensure that passengers under 14

years old are correctly restrained.

Dual Drivers in Hackney Carriage Vehicles

Touting

3.2.18 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. This is an offence under the Criminal Justice and Public Order Act 1994, section 167.

Plying for hire

3.2.19 Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix F** and is based on relevant legislation and case law.

Refusing to convey passengers

3.2.20 A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse. E.g. if the person/s are severely intoxicated or being abusive to the driver.

Overcharging

3.2.21 Drivers of hackney carriages must not charge more than is permitted under the current table of 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.

Persons riding without consent

3.2.22 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.

Unlicensed drivers

3.2.23 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 licence to do so.

Obstruction

3.2.24 Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities, on a rank or other designated collection point.

3.3 Hackney Carriage Vehicle Licences

Summary

3.3.1 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.

3.3.2 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.

3.3.3 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. Under s.167 Equality Act 2010 the Council may create a list of all licensed Wheelchair Accessible

Classification: NULBC UNCLASSIFIED

Vehicles, placing the below duties on the driver:

- (a) to carry the passenger while in the wheelchair;
- (b) not to make any additional charge for doing so;
- (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- (e) to give the passenger such mobility assistance as is reasonably required.

3.3.4 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.

3.3.5 The Council does not limit the number of hackney carriage vehicle licences that it will issue.

Period of licence

3.3.6 Vehicle licences will be issued for 12 months.

3.3.7 The applicant for a vehicle licence must be the legal keeper of the vehicle concerned and entitled to be registered as the keeper of the vehicle 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, for example the V5C/Logbook.

Vehicles

3.3.8 The Council requires all hackney carriage vehicles to comply with specifications and requirements set out in **Appendix E** and advises all applicants and current licence holders to familiarise themselves with this section.

3.3.9 Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time. E.g. If the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

Vehicle Type and Age

3.3.10 Upon first application all vehicles must be a purpose built hackney carriage, wheelchair accessible, or converted to conform with European type approval and be less than 7 years old.

3.3.11 There is no maximum age for vehicles to be licensed. At 10 years old all vehicles will require a Council Vehicle Test prior to each renewal and at 6 monthly intervals.

Grandfather Rights

3.3.12 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test the vehicle will be permitted **one** retest only. Once

a vehicle fails a test and retest it will cease to be suitable for licensing.

- 3.3.13 Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will continue to benefit from existing grandfather rights allowing them to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. However those rights will cease if the vehicle is transferred to another proprietor/s.

Taximeters

- 3.3.14 All hackney carriage vehicles are required to be fitted with taximeters that comply with the specifications and requirements set out in **Appendix E** and all applicants and current licence holders are advised to familiarise themselves with this section.

Application and Supporting Documentation

The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

- 3.3.15 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. The full fee for the licence is payable at the time the application is submitted.
- 3.3.16 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 valid MOT (in accordance with the requirements set out at paragraph 3.3.17 below);
 - f) a current vehicle fitness/garage test pass certificate (from the Council's Garage);
 - g) 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.**
 - h) the V5 registration certificate (or alternative interim measure outlined in paragraph 3.3.21 below);
 - i) a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out in **Appendix E**
 - j) 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).
 - k) If requested by the Council, an HPI check (or equivalent as agreed), revealing whether the vehicle has ever been written off and/or declared a total loss

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.

Vehicle Testing Requirements

MOT

3.3.17 MOTs are required in accordance with the following requirements:

- a) Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
- b) MOTs 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; the cost of all tests must be met by the vehicle proprietor;
- c) If the vehicle is less than 12 months old when first licensed then the first MOT is due during the first licence period. If a vehicle is over 12 months old when first licensed then it will require an MOT prior to being licensed;
- d) With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that vehicle to return the plate to them within 72 hours of receipt of the written request.

Vehicle Fitness/Garage Test

3.3.18 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 Garage, Central Depot, Knutton Lane, Newcastle-under-Lyme, ST5 2SL, or at an alternative location as authorised by the Council.

3.3.19 The frequency of testing is once per year, 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.

3.3.20 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 after the vehicle has been repaired 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.

V5 registration certificate

3.3.21 The Council accepts that a full V5 registration form in the new keeper's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced along with the proof of purchase which must be completed and/or signed by the relevant parties.

Where the green section has been produced on first licensing the vehicle, a full V5 form in the new keeper'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

3.3.22 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. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive the vehicle as a Hackney Carriage Vehicle in these circumstances.

3.3.23 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

3.3.24 Where a proprietor has notified the Council that damage has occurred to a vehicle, 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, an authorised officer of the Council may at that time suspend the vehicle licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. 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. A vehicle fitness/garage test will be required to determine whether the suspension can be lifted.

Advertising

3.3.25 Proprietors are not permitted to advertise any third party company/person on hackney carriages vehicles at any time.

Signage

3.3.26 All Hackney Carriage vehicles must display the vehicles signs shown in **Appendix L** on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is a licensed by the Council.

Closed Circuit Television (CCTV)

3.3.27 Proprietors of hackney carriage or 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. 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

3.3.28 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix D** are complied with.

Ranks

3.3.29 The Highways section of Staffordshire Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, the Council and Staffordshire Police to determine where ranks/stands ought to be situated.

3.3.30 Where a driver is plying for hire and is illegally parked or creating an obstruction or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location (this does not include a legitimate period of time where a hackney carriage 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.

LPG Converted Vehicles

3.3.31 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. The Council will undertake a check of the UK LPG Vehicle Register.

3.3.32 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.

3.3.33 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. The Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.

3.3.34 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, an authorised officer of the Council will suspend the licence until such time as necessary works to the conversion have been undertaken 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

3.3.35 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, or are a vehicle operating under Grandfather Rights. 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

- 3.3.36 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be considered by the Public Protection Committee, notified to all hackney carriage licence holders 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

- 3.3.37 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix D**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Change of proprietor and/or driver

- 3.3.38 The proprietor must give notice to the Council of any transfer in her/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 and accompanied by the relevant documentation for proprietors.

The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.

Change of address

- 3.3.39 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

- 3.3.40 A proprietor of a hackney carriage must ensure that each driver's licence is lodged with the proprietor 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 the employ of a proprietor, the proprietor 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

- 3.3.41 The proprietor must present their hackney carriage for inspection/testing by the Council as required, up to a maximum of 3 times per year. If a vehicle continually fails tests and/or is found to be unsuitable following inspections or repeatedly fails to attend then the Council may suspend or revoke the vehicle licence.

- 3.3.42 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

- 3.3.43 The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also 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

3.3.44 The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

Return of identification plates

3.3.45 Where a licence is revoked or suspended, the proprietor, when required by the Council to do so, must return the identification plates within 7 days otherwise further action may be taken against the licence holder. Where the licence plate expires, no replacement plates will be issued until the expired plates are returned to the Council.

Ranks

3.3.46 Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. There are currently three ranks appointed in the Borough Council of Newcastle-under-Lyme area.

Fares

3.3.47 Drivers of hackney carriages must not charge more than is permitted under the current table of 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.

3.3.48 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 unless it has been agreed in advance between the driver and passenger and the journey is not wholly within the administrative area of the Borough Council.

Parking/waiting

3.3.49 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.

3.4 Private Hire Vehicle Licences

Summary

3.4.1 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.

3.4.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, the Borough Council of Newcastle-under-Lyme will have regard to the document - [Private Hire](#)

[Vehicle Licensing - A note for guidance from the Department for Transport \(August 2011\) and any other subsequent Government issued guidance.](#)

- 3.4.3 The Council cannot limit the number of private hire vehicle licences that it will issue.
- 3.4.4 The Council will not licence a vehicle for private hire 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.
- 3.4.5 All private hire vehicles shall be capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council. Under s.167 Equality Act 2010 the Council may create a list of all licensed Wheelchair Accessible Vehicles, placing the below duties on the driver:
- (a) to carry the passenger while in the wheelchair;
 - (b) not to make any additional charge for doing so;
 - (c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) to give the passenger such mobility assistance as is reasonably required.

Period of licence

- 3.4.5 Vehicle licences will be issued for 12 months.
- 3.4.6 The applicant for a vehicle licence must be the legal keeper of the vehicle concerned and entitled to be registered as the keeper of the vehicle 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, for example the V5C/Logbook.

Vehicles

- 3.4.7 The Council requires all private hire vehicles to comply with specifications and requirements set out in **Appendix H** and advises all applicants and current licence holders to familiarise themselves with this section.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time. Eg. If the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

Vehicle Age

- 3.4.8 Upon first application all vehicles must be less than 7 years old
- 3.4.9 There is no maximum age for vehicles to be licensed. At 10 years old all vehicles will require a Council Vehicle Test prior to each renewal and at 6 monthly intervals.

Grandfather Rights

- 3.4.10 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are

licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Taximeters

- 3.4.11 Private Hire vehicles are not required to be fitted with taximeters but if they do then they must comply with the specifications and requirements set out in **Appendix H** and the Council advises all applicants and current licence holders to familiarise themselves with this section.
The application process to licence a Private Hire vehicle is the same for a new or renewal application.

Application

- 3.4.12 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 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.

- 3.4.13 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) Complete a Statutory Declaration detailing the complete history of any criminal or motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- d) the appropriate licence fee (in full at the time of application);
- e) a valid MOT (in accordance with the requirements set out at paragraph 3.4.14 below);
- f) a current vehicle fitness/garage test pass certificate (from the Council's Garage);
- g) 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.
- h) the V5 registration certificate (or alternative interim measure outlined in paragraph 3.4.19 below);
- i) where a taximeter is fitted - a valid certificate/report to confirm the vehicles taximeter is fitted in accordance with the requirements set out at **Appendix H**
- j) 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).
 - k) If requested by the Council, an HPI check (or equivalent as agreed), revealing whether the vehicle has ever been written off and/or declared a total loss

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. (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 that has been issued by an approved installer.

Vehicle Testing Requirements

MOT

3.4.14 MOTs are required in accordance with the following requirements:

- a. Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
- b. MOTs 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; the cost of all tests must be met by the vehicle proprietor;
- c. Vehicles will not require an MOT until they turn 3 years old. Once they turn 3 years old then it must have a valid MOT throughout the licence period;
- d. With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that vehicle to return the plate to them within 72 hours of receipt of the written request.

Vehicle Fitness/Garage Test

3.4.15 The Council requires all vehicles to be tested at least once a year, depending on the age of the vehicle, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council Garage, Central Depot, Knutton Lane, Newcastle-under-Lyme, ST5 2SL, or at an alternative location as authorised by the Council.

3.4.16 The frequency of testing is once per year, 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.

3.4.17 Where a vehicle 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.

3.4.18 Where a vehicle fails the garage test after the vehicle has been repaired 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.

V5 registration certificate

3.4.19 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 along with the proof of purchase which must be completed and/or signed by the relevant parties. 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

- 3.4.20 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. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive the vehicle as a Hackney Carriage or Private Hire Vehicle in these circumstances.
- 3.4.21 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

- 3.4.22 Where a proprietor has notified the Council that damage has occurred to a vehicle, 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, an authorised officer of the Council may at that time suspend the vehicle licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. 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. A vehicle fitness/garage test will be required to determine whether the suspension can be lifted.

Advertising

- 3.4.23 Proprietors are not permitted to advertise any third party company/person on private hire vehicles at any time.

Signage

- 3.4.24 All Private Hire vehicles will be required to display the signs as detailed in **Appendix L** on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is licensed by the Council.

Closed Circuit Television (CCTV)

- 3.4.25 Proprietors of hackney carriage or 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. 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

3.4.26 Private hire vehicles are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix G** are complied with.

LPG Converted Vehicles

3.4.27 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. The Council will undertake a check of the UK LPG Vehicle Register.

3.4.28 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.

3.4.29 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. The Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.

3.4.30 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, an authorised officer of the Council will suspend the licence until such time as necessary works to the conversion have been undertaken 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/Hybrid Vehicles

3.4.31 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

3.4.32 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix G**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

Change of proprietor and/or driver

3.4.33 The proprietor must give notice to the Council of any transfer in her/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.

The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.

Change of address

3.4.34 The proprietor of a private hire vehicle must notify the Council in writing, within 7 days, of any change of their address.

Retention of drivers licences

3.4.35 A proprietor of a private hire vehicle must ensure that each driver's licence is lodged with the proprietor 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 the employ of a proprietor, the proprietor 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

3.4.36 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. If a vehicle continually fails tests and/or is found to be unsuitable following inspections, or repeatedly fails to attend inspections then the Council may suspend or revoke the vehicle licence.

3.4.37 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

3.4.38 The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also 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

3.4.39 The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

Return of identification plates

3.4.40 Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plates within 7 days. No new licence plates will be issued until the expired plates are returned to the Council.

Ranks/stands

3.4.41 A private hire vehicle must not wait (stop or park) on any rank/stand. It is an offence to do so and may result in enforcement action being taken against the driver.

Parking/waiting

- 3.4.42 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.

3.5 Private Hire Operator Licences

Summary

- 3.5.1 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

- 3.5.2 Operator licences will be issued for a period of 5 years unless the Council has reasonable cause to issue for a shorter time period.

Operator's Premises

- 3.5.3 All new applicants must have a base within the administrative area of Newcastle-under-Lyme in order to ensure that the Council can inspect the base and associated operator records to check compliance with licence conditions.
- 3.5.4 Private Hire Operators that hold a licence with the authority and operate their business from premises located outside of the Borough, at the time of policy implementation, will continue to be licensed to operate from that premises providing that they renew their licence prior to it expiring.
- 3.5.5 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.
- 3.5.6 The Council advises operators to have all necessary planning permissions for the operator base before a licence is granted. Proof of which may be requested as part of the application procedure.
- 3.5.7 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.
- 3.5.8 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.

Record Keeping

- 3.5.9 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).

3.5.10 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, or fee 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, Disability Training and Safeguarding Training, where appropriate) is payable at the time the application is submitted.

3.5.11 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;
- a basic standard, or enhanced DBS 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); for each director, partner and company secretary;
- a schedule of all employees that are not NULBC licensed drivers indicating those staff who take bookings and dispatching vehicles;
- 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;
- a Safeguarding Training certificate, issued within the last 3 months for each director, company secretary and employees that are not NULBC licensed drivers
- Pass Disability Equality Training approved by the Council within the previous 3 months for each director, partners and company secretary and employees that are not NULBC licensed drivers
- details of their policy regarding the employment of ex-offenders
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate; and
- any fleet insurance they hold with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

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.

Criminal Record Disclosure

3.5.12 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 NULBC 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.

- 3.5.13 Where the applicant or employee already holds a valid dual drivers licence (this will only apply to sole traders as individuals), a check will be made on the DBS update service. If the driver is not registered on the DBS update service then they will be required to submit a Basic DBS certificate. If the applicant 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](#).

- 3.5.14 For partnerships or companies, the above requirements apply to all partners and directors/company secretaries.

- 3.5.15 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 paragraph 3.2.1 of this Policy.

- 3.5.16 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission.

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: FCO, King Charles Street, London, SW1A 2AH.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Insurance

- 3.5.17 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.

- 3.5.18 If there is a requirement for the operator to have Employers Liability indemnity then it must be for a minimum of £10,000,000.

- 3.5.19 For vehicle insurance, the Council will generally only accept original insurance documentation. The exception to that policy is that the Council will accept copy documentation where the Council itself receives an email confirmation of cover from the Insurance Company itself and the Council is entirely satisfied as to its validity.

- 3.5.20 Where the policy is a vehicle fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.

Closed Circuit Television (CCTV)

3.5.21 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

3.5.22 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.

3.5.23 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

3.5.24 Applicable conditions relevant to a private hire operator licence are set out at **Appendix I**. These conditions must be complied with.

Contract

3.5.25 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.

Production of records/documents

3.5.26 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.

Safeguarding and Disability Training

3.5.27 Where the applicant or employee already holds a valid taxi drivers licence (this will only apply to sole traders as individuals), no further checks will be undertaken by the Council and the current Safeguarding and Disability Training certificates will be considered sufficient. However, if a valid driver's licence is not held, the applicant/employee must:-

- Attend the Council's Safeguarding and Child Sexual Exploitation Awareness Training and Disability Training prior to an operator's licence being granted, including being renewed, and employees being permitted to take bookings.

COMPLIANCE, COMPLAINTS AND ENFORCEMENT

4.1 Summary

- 4.1.1 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

- 4.1.2 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, which is available on the Council's website at <https://www.newcastle-staffs.gov.uk/all-services/your-council/policies-and-strategies-z/corporate-enforcement-policy>

In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of the Borough Council of Newcastle-under-Lyme, other local authorities and the police.

- 4.1.3 The Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 4.1.4 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.
- 4.1.5 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 Public Protection Sub-Committee.

Complaints

- 4.1.6 Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance. 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.
- 4.1.7 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.

4.2 Enforcement

Enforcement Policy Statement

- 4.2.1 The Council has an Enforcement Policy which it will take into account before taking any enforcement action.
- 4.2.2 The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.

- 4.2.3 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.
- 4.2.4 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.
- 4.2.5 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 Public Protection Sub-Committee.
- 4.2.6 An authorised officer of the Council /Public Protection 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.
- 4.2.7 Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.
- 4.2.8 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.
- 4.2.9 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.

4.3 Enforcement Options

- 4.3.1 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

Enforcement Action:

- 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 Public Protection Sub-Committee.

This Council will have regard to the Convictions Guidelines at **Appendix J**.

Informal Action

4.3.2 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.

4.3.3 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 J) 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 36 month rolling period their licence will be referred to the Public Protection Sub-Committee to determine whether any further action is required.

Appearance before the Public Protection Sub Committee

4.3.4 An offending individual or company may be summoned before the Public Protection sub-Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.

The Public Protection Sub 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;
- 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 Public Protection Sub Committee will have regard to the guidance on convictions shown at **Appendix J** of this policy.

Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976

- 4.3.5 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.
- 4.3.6 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.
- 4.3.7 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

- 4.3.8 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 Council Enforcement Policy when circumstances have been identified which may warrant a prosecution.

Simple Cautions

- 4.3.9 A simple caution may be used as an alternative to a prosecution in certain circumstances.

FARES & FEES

5. FARES & FEES

5. 1 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

5. 2 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

5. 3 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

5. 4 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 here: <https://www.newcastle-staffs.gov.uk/all-services/business/licensing/private-hire-and-hackney-carriage-licences>.

5. 5 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.
- 5.6 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.

POLICY CONSULTATION

6.0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition consultation was undertaken with the following stakeholders and partners:-

- Hackney Carriage and Private Hire Operators, Drivers and Proprietors
- The Borough Council of Newcastle-under-Lyme Public Protection Committee
- The Borough Council of Newcastle-under-Lyme Legal Services
- The Borough Council of Newcastle-under-Lyme Licensing and Environmental Services Team
- The Borough Council of Newcastle-under-Lyme Garage Vehicle Inspectors
- The Borough Councils Partnerships team
- Staffordshire County Council Passenger Transport Service (Education and Welfare)
- Staffordshire Safeguarding Children's Board Child and Adult Safeguarding Services
- Staffordshire Police
- Staffordshire Fire and Rescue Service
- Guide Dogs for the Blind
- Neighbouring local authorities

Public Protection Committee agreed to adopt the Policy in its current form on **15th February 2022** and for it to be implemented on 15th February 2022.

APPENDICES

Appendix A – CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Appendix B – DRIVER CODE OF CONDUCT

Appendix C – DRIVER CRITERIA

Appendix D – HACKNEY CARRIAGE VEHICLE CONDITIONS

Appendix E – HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

Appendix F – PLYING FOR HIRE

Appendix G –PRIVATE HIRE VEHICLE CONDITIONS

Appendix H – PRIVATE HIRE VEHICLE SPECIFICATIONS

Appendix I – PRIVATE HIRE OPERATOR CONDITIONS

Appendix J – TAXI AND PHV LICENSING CONVICTIONS GUIDELINES

Appendix K – CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PERSONS

Appendix L – VEHICLE SIGNAGE

APPENDIX A

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, particularly as it relates to child sexual exploitation and trafficking.

General information

The Borough Council of Newcastle-under-Lyme'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 Council and the Staffordshire Safeguarding Children Board.

Through partnership working 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 Safeguarding Children's Board 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 youngsters 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.

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 licensed 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.

Classification: NULBC **UNCLASSIFIED**

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 to and share information with Staffordshire Police (Tel: 101) and First Responders at Staffordshire County Council on 0800 131 3126 or if out of office and in an emergency on 0345 604 2886.

Further information about Staffordshire Safeguarding Children Board can be found at:

<http://www.staffsscb.org.uk/Home.aspx>

Classification: NULBC **UNCLASSIFIED**

APPENDIX B

DRIVER CODE OF CONDUCT RELATING TO INDIVIDUALS ISSUED A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

Drivers issued a dual drivers licence by the Borough Council of Newcastle-under-Lyme under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) must abide by this Code of Conduct. The Borough Council of Newcastle-under-Lyme considers that the Code is reasonably necessary.

It sets out the way in which the licence holder must act whilst acting as a licensed driver in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

It does not set out the detail as to what steps are required to become a licensed driver and it does not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. This is set out in the specifications earlier in the Policy.

Breach of the code of conduct may lead to the immediate suspension of the licence, consideration of revocation of the licence or other enforcement action including prosecution.

The Code of Conduct requires drivers to:

Notification requirements

1. Change of Name and/or Address - The licence holder (“the driver”) must notify the Licensing Administration Team in writing at the Borough Council of Newcastle-under-Lyme (“the Council”) within 7 days of changing name and/or address.
2. Medical circumstances – The driver must notify the Council in writing immediately if possible, or as soon as practicable of any serious illness, injury, medication or severe physical deterioration which could affect their ability to meet the DVLA’s Group II medical standards and therefore drive a licensed vehicle.
3. Damage to vehicle – The driver must inform the operator of any licensed vehicle in his custody of any damage occurring to that vehicle within 24 hours of the damage occurring. If the driver cannot contact the operator within 24 hours he/she must notify the Council in writing within 72 hours of the damage occurring.
4. Cautions, warnings, motoring convictions and fixed penalties – The driver must notify the Council in writing within 72 hours of any issue of a formal caution, warning, motoring conviction, or issue of a fixed penalty notice by the Police or a Local Authority. **The 72 hour period begins on the day of the caution or conviction, or the warning being received. For a Fixed Penalty Notice it begins on the day that the driver accepts liability for the offence.**
5. Charges, Questioning, Interview under caution, Arrests, and Convictions - The driver must inform the Council in writing within 48 hours if they are questioned, arrested and released, interviewed voluntarily under caution, charged by the Police or convicted of a criminal offence regarding harassment, sexual offences, violent offences, dishonesty or fraud.
6. When questioned by the Police or appearance in Court, the driver must inform the Police/Court that they are a licensed driver.

7. The driver must also notify the Council in writing within 72 hours of any other enforcement action taken by any other local authority under the 1976 Act or the Town Police Clauses Act 1847. This includes where the driver holds a driver, vehicle or operator licence with another authority and that licence/those licences are refused upon renewal, revoked or suspended.
8. Where the driver is required to notify the Council, in writing, under sections 4, 5, 6 or 7 he/she shall provide the Council with details of:
 - The offence/behaviour complained of;
 - Whether the offence occurred in a licensed vehicle and/or if they were working;
 - The date of conviction/enforcement action;
 - The sanction imposed.
9. Where the licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the licence holder must refer such person or activity to the police.
10. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
11. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

Child Sexual Exploitation & Safeguarding Training

12. Licence Holders must report any concerns they have to the relevant bodies as outlined in Appendix A.

Drivers' Badges/Licenses

13. Wearing/displaying of badges – The driver must wear the badge issued by the Council to them so that it is clearly and distinctly visible whenever he/she is acting as a hackney carriage or private hire driver. The driver must also display the second badge issued by the Council in a prominent position within the vehicle they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney carriage or private hire driver.
14. Licences given to Operator – The driver must provide a copy of the driver licence issued to them by the Council to their operator when they have made themselves available for private hire work for that operator. They must also give them a copy of their DVLA driver's licence.
15. Return of badges/licences – In the event of expiry of the licence or where the driver ceases to operate as a licensed private hire driver he/she must immediately return his/her badge and licence plates to the Council and otherwise upon any request by an Authorised Officer of the Council.

Conduct

16. Punctuality - The driver shall attend punctually when hired and shall provide reasonable assistance with the loading and unloading of luggage.
17. Appearance - The driver shall wear respectable and appropriate clothing at all times and appropriate footwear for driving.
18. Language – The driver must be capable of understanding instructions in the English language from customers and being understood in the English language by anyone hiring the vehicle.

19. Route - The driver must, unless otherwise requested by the hirer proceed to the destination by the most direct route
20. Receipts – The driver must, if requested, provide the hirer with a full written receipt for the fare paid.
21. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.
22. Other passengers – The driver must not, without the express consent of the hirer, allow another person to be carried in the vehicle.
23. Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the age of fourteen years in a front seat unless the booking they are carrying out is under a Staffordshire County Council, or other relevant body, contract for carrying vulnerable persons, in which case the child may be carried in the front passenger compartment of the vehicle.
24. Music/Radio – The driver must comply with any request by the hirer to turn down or turn off any radio, music or other sounds in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle. The driver must obtain the relevant licence to play music in their vehicle when passengers are present (eg. PRS licence).
25. Behaviour – The driver must behave in a civil and orderly manner. The driver must not use any offensive, abusive, profane or insulting language or behaviour. The driver must take all reasonable precautions to ensure the health and safety of persons conveyed in or entering or alighting from the vehicle he is in charge of driving. Drivers must not take personal property or any substance (illegal or otherwise) from customers in lieu of payment or as a deposit for payment.
26. Assistance – The driver must offer reasonable assistance to customers with belongings upon request. This includes assistance with carrying shopping and luggage and lifting it into and out of the vehicle.
27. Check for lost property – The driver must at the end of each hiring search the vehicle for any lost property, which may have been left. Any property found must be handed to the owner, the nearest police station or the base operator.
28. Offer to hire vehicle - The driver must not, whilst driving or in charge of a private hire vehicle, accept an offer for the hire of any private hire vehicle while the holder of that vehicle is on the road or other public place except where such an offer is first communicated to the driver by telephone, radio or other communication method by a licensed operator or their booking office staff
29. Agreed fare - Where the fee is agreed in advance, the driver shall ensure that no more than the agreed fare is paid.
30. Receipts – The must issue a written receipt to the passengers for the fare paid for the journey undertaken, if requested to do so.
31. Smoking/Vaping – The driver must not smoke in any form, including using e-cigarettes and vaping, at any time they are in a licensed vehicle. This includes when driving the vehicle for private use and when working but not carrying passengers.

32. Data Protection – The driver must not use any personal data received during the course of their duty for any other purpose than that it was originally intended.
33. Rest Periods – The driver must ensure that they are properly rested between shifts, and do not work an excessive number of hours in accordance with the existing GB Domestic Drivers Hours Rules for Passenger-carrying Vehicles.

www.gov.uk/drivers-hours/gb-domestic-rules

Medical

34. Medical reports – Group II shows that the applicant meets the required medical standard. Licence holders over the age of 65 are required to undertake annual medical examinations.
35. Medical reports where required by the Council - Any driver must, at their own cost, where required to by the Council, undergo a medical assessment with their own General Practitioner or other medical practitioner that has access to their full medical history. Such medical assessment must be completed using the standard from supplied by the Council. The Council will only exercise this power where such a medical is required to assist in the determination of whether a driver is fit and proper, for example where the driver has been seriously ill or an assessment has been recommended by a medical practitioner.

Maintenance check

36. Maintenance – The driver must before the start of any shift carry out a basic safety check to make sure that the vehicle is in a roadworthy condition e.g. checking lights, oil and water levels, condition of tyres, looking for obvious defects on the vehicle. Details of the checks must be recorded in writing, retained for at least 12 months and available to authorised officers of the Council and Police Constables within 72 hours of any request. Any issues with the vehicle must be reported immediately to the operator/proprietor as relevant.

Animals

37. The driver must not convey in the vehicle any animal except one belonging to a passenger.
38. The driver may carry any animal belonging to a passenger at his/her own discretion and it is the responsibility of the driver to ensure that the animal is suitably restrained in order that it will not cause a distraction, or cause injury to you or themselves if you have to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, your vehicle has an airbag and it is not lying in the footwell you must notify the owner.
39. Paragraph 38 does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 without charge unless the driver has a valid exemption certificate issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers). When plying for hire or attending a booked fare and the passenger has an assistance dog with them the driver must stop to carry them. Failure to do so will be treated as an illegal refusal.

Other requirements

40. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.

41. Licence holders must comply with any reasonable request from an authorised officer of another local authority

The licence holder must comply with this code of conduct at all times. Failure to comply may lead to enforcement action being taken against your licence.

I acknowledge receipt of this code of conduct

Signature: _____

Date: _____

Printed: _____

APPENDIX C

CRITERIA TO BECOME A DRIVER

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.
2. Any person who drives a private hire vehicle 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.
3. The Council will issue a dual drivers licence, this will permit the licence holder to drive both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

Fit and proper person

4. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all criteria to be deemed a fit and proper person. Licensed drivers provide a public service.
5. In considering the fit and proper person test all applicants on initial application and renewal must:
 - Provide a current and satisfactory enhanced Disclosure and Barring Service (DBS) check which will include a check against the Adult and Child Barring Lists;
 - undergo a medical examination to the DVLA Group 2 standard completed by your own GP or one that has access to your full medical history. All licensed drivers aged 65 years and over must undertake a medical examination annually and produce the report to the Council;
 - produce a document proving their right to work in the UK in line with the Home Office requirements for taxi drivers;
 - Complete 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;
 - The Council may also make additional enquiries through Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly if a driver has been previously licensed by another authority) 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.
6. New applicants for drivers licence will need to provide:
 - the certificate proving they have attended a satisfactory Safeguarding Training course within the last 3 months;
 - their certificate proving they have successfully completed the Council's in-house knowledge test;
7. With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may require the licence holder to complete a further enhanced DBS check, the cost of which would lie with the licence holder. Where a licence holder refuses, this will be taken into consideration in determining their continuing fitness to hold a licence. Drivers with convictions may have their licences reviewed in-line with the Convictions Guidelines at Appendix J, and where they have fallen within the previous policy it may result in them being referred to an authorised officer or Public Protection Sub-Committee to determine if they will be considered fit and proper.

8. 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 or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.
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 work at the time or whether they occurred during the drivers' own personal time.
10. 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 (see **Appendix B**) 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.

Criminal Record Disclosure

11. Hackney carriage and private hire vehicle drivers are required to undertake an enhanced Disclosure and Barring Service (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 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
12. The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as '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.

Applicants are required to provide details of ALL convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.

13. Although cautions are generally considered not as serious as convictions, they require an admission of guilt before they can be issued and are therefore will be treated in the same way, are a useful indication of an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
14. A criminal record does not automatically prevent or bar an applicant from holding a drivers licence. However, it will be a significant factor when determining whether a licence should be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix J**. However, the principal consideration will be to ensure the safety and welfare of the public.
15. Applicants who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. Guidance can be found here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. 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. For further details please see the Home Office Guidance issued to Local Authorities:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](https://www.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.

Non-conviction information

16. In addition to information regarding convictions/cautions, applicants are expected to provide details of:
- all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions;
 - any charges or arrests that they were or are the subject of in connection with criminal offences, whether or not actually charged with the offence, and
 - details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity
 - or inappropriate/unacceptable behaviour or any other relevant pending matter.

For existing licence holders, this information must be notified to the Council within 72 hours, in writing.

17. Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed. However, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character, then the application is likely to be refused.
18. Where there is evidence and/or information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

DVLA and other relevant driving licences

19. A person applying for a drivers licence must be a minimum of 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences. These requirements apply only to applications received on or after the date this Policy comes into force.
20. Throughout the currency of the drivers licence, the driver must possess a full driving licence in accordance with the above requirements. Where a driver has received a ban from driving under their DVLA licence they must return their taxi driver licence to the Council within 7 days.
21. Applicants are required to produce the original of their driving licence, whether it is a photo card or old style paper licence. Copies will not be accepted. A holder of a DVLA drivers licence must also provide a valid code to enable the Council to carry out an online check of their driving history.

22. All applicants holding driving licences issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a DVLA licence.

Knowledge test

23. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability equality
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

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.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing team know and suitable arrangements can be made to facilitate the test.

24. 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.
25. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Public Protection Sub Committee.
26. 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.

Safeguarding and Child Sexual Exploitation Awareness

27. The Council requires all licensed drivers to attend Safeguarding and Child Sexual Exploitation Awareness training. For new driver applications, this must be completed **before** a licence is issued for the first time.

Applicants for renewal of an existing driver licence must have completed the awareness training **before** their first licence renewal after this policy comes into force. All drivers will be expected to renew/refresh this training every 3 years.

The licensing Authority will accept attendance at a Safeguarding and Child Sexual Exploitation Awareness delivered by Staffordshire County Council as part of a home to school transport contract and training from other Local Authorities that meet the standard required by the Council.

The Council requires all licensed drivers to abide by the Council's 'Code of Conduct' which will be issued as a supporting document to a granted new or renewal application, a copy of which can be found at **Appendix B**.

Medical requirements

28. The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a Dual hackney carriage or private hire 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 require 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'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

The standard required is the 'Group 2 Entitlement'.

29. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.
30. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. The medical cannot be more than 3 months old at the time the licence is issued. It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.
31. The Council will not grant or renew, any driver's licence unless the medical examination requirements are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
32. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'), as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
33. If, once licensed, the driver's medical circumstances change during the licence period, 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 licensed driver.
34. 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. The cost of the further medical examination will be met by the licensed driver.

35. The medical must be filled out on the Council's medical application form. The medical must be carried out either by the applicant/driver's own GP or by a medical practitioner than can gain access to that individual's full medical history. Any other medical will not be accepted.
36. 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.

Medical Exemptions

37. 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 provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history. Drivers issued with medical exemption certificates will also receive a tactile exemption card in order that visually impaired customers can confirm the validity of the exemption.

English speaking

38. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. This will be tested as part of the Knowledge Test, and interview appointment. If an applicant cannot satisfy the authorised officers of the Council that their standard of English is suitable then the application may be referred to the Public Protection Sub-Committee or authorised officers.

Code of Conduct

39. All dual drivers licence holders must comply with the Code of Conduct set out at **Appendix B**. The Code of Conduct is in addition to any matters set out within the main body of the Policy.

APPENDIX D

HACKNEY CARRIAGE CONDITIONS OF LICENCE

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 47 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme 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. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team in writing at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours of his/her change of address.
3. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
4. Transfer of ownership – The owner must inform the Council within 14 days in writing if s/he transfers part or all of her/his interest in the vehicle to any other person.
5. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle within 7 days
6. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
7. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.
- 7a. Where the vehicle is involved in an accident and is declared a total loss and/or written off for insurance purposes, irrespective of which insurance category, the proprietor must give written notice the Council within 72 hours.
- 7b. The proprietor, upon request of the Council, must provide a Hire Purchase Investigation (HPI) check, or an equivalent agreed in advance by the Council, that reveals whether the vehicle has ever been declared a total loss and/or written off for insurance purposes, irrespective of which insurance category, within 72 hours.

Vehicle Condition and Maintenance

8. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
9. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly, record this in writing and retain for a period of 12 months. The programme and vehicle history must be submitted to the Council on request and must include details of how often

the vehicle is inspected, serviced and what checks are carried out.

10. Advisory Work notified during Testing – The Council’s garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 9 above.
11. Appearance of vehicle – all paintwork shall 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.
12. Seats - The seats of the vehicle must be properly cushioned and covered.
13. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
14. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
15. Spare Tyre – There must be, in or on the vehicle, 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
16. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009
17. Vehicle Idling - That when the vehicle is parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council.

Alteration to vehicle

18. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
19. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

Signs and notices

20. Licence plate – The Council will issue to each licensed vehicle two white “licence plates” particular to the vehicle, one rectangular plate to be affixed securely to the exterior of the front and one square plate to be affixed securely to the exterior of the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
21. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council and fixed directly to the body work of the vehicle. Magnetic fixings are not permitted.
22. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
23. The vehicle must, at all times, have the white stripe identifying the vehicle as a Hackney Carriage permanently affixed to the exterior, in line with the vehicle licensing specifications. Magnetic stripes

are not permitted.

24. The vehicle must, at all times, display the Council set tariff sheet on the dashboard of the vehicle or in a suitable location visible to all passengers.
25. Identification Sticker – The Council will issue a white “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.
26. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council prescribes. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Hackney Carriage by the Council as detailed in **Appendix L**
27. Roof sign – The vehicle must have a roof sign; that bears one of “for hire” or “taxi”. All parts of the sign must be clearly legible from a reasonable distance. The sign must be approved by the Council before use.
28. Door Signs – Where the owner chooses to adopt door signs the form, location and wording must be approved by the Council. It must have the name of the operator or proprietor. The Operator or proprietor may include their telephone number. It may have one of “for hire” or “taxi” but must not have the words “private hire” on the livery. All parts of the sign must be clearly legible from a reasonable distance.
29. Advertisements - The owner must not display any advertisements on or in the vehicle
30. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
31. Other signs – No other sign, notice, advertisement, inappropriate material, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
32. Taxi meter for hackney carriages – any hackney carriage must be fitted with a taximeter and this must be well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the hackney carriage. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

Insurance

33. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a Hackney Carriage vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

Vehicle Tests

34. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
35. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a Hackney Carriage vehicle.
36. Number of passengers – The driver must not allow the Hackney Carriage vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

Animals

37. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.

- 38. The driver may carry any animal belonging to a passenger at his/her own discretion and it is the responsibility of the driver to ensure that the animal is suitably restrained in order that it will not cause a distraction, or cause injury to you or themselves if you have to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, your vehicle has an airbag and it is not lying in the footwell you must notify the owner.
- 39. Paragraph 38 does not in any way remove or reduce the duty placed on the driver of the hackney carriage vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s168 Equality Act 2010 without charge unless the driver has a valid exemption certificate issue by this authority under s169. When plying for hire or attending a booked fare and the passenger has an assistance dog with them the driver must stop to carry them. Failure to do so will be treated as an illegal refusal.

Other requirements

- 40. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.
- 41. Licence holders must comply with any reasonable request from an authorised officer of another local authority

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

I acknowledge receipt of these conditions

Signature: _____ Date: _____

Printed: _____

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS

- 1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
- 2. 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.
- 3. The licensed towing vehicle's insurance must cover the towing of a trailer.
- 4. Trailers must not be left unattended anywhere on the highway.
- 5. The speed restrictions applicable to trailers must be observed at all times.
- 6. 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.
- 7. 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, and immediately before and after the journey on the way to and from the booking.
- 8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
- 9. 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.

10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

APPENDIX E

HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

1. Vehicle Age

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 7 years old.

There is no maximum age for vehicles to be licensed. At 10 years old all vehicles will require a Council Vehicle Test prior to each renewal and at 6 monthly intervals.

2. Grandfather Rights

Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will continue to benefit from existing grandfather rights allowing them to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. However those rights will cease if the vehicle is transferred to another proprietor/s.

3. Specifications

- a) Vehicles must 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) To be licensed as a Hackney Carriage the vehicle must be black with an affixed four inch white stripe which runs the length of both sides of the vehicle
- 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).
- e) Be fitted with a taximeter, calibrated to the Borough Council's approved tariff
- f) Be fitted with an illuminated roof sign

- g) Provide sufficient means by which any person in the carriage may communicate with the driver;
- h) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- i) Have a watertight roof or covering;
- 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;
- 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;
- l) Have seats that are properly cushioned and covered;
- m) Have a floor provided with a proper carpet, mat, or other suitable covering;
- n) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- o) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- p) Be fitted with an anti-lock braking system
- q) 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).
- 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:
- s) Be maintained in a sound mechanical and structural condition at all times;
- 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;
- u) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- v) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
- w) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
- 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.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

4. Taximeters

Taximeters must be:

- a. certified by a recognised body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- b. 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 or switched off and that no fare is recorded on the face of the taximeter;
- c. calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Council;
- d. calendar and time controlled;
- e. fixed to the vehicle with appropriate seals/appliances, where possible, to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- f. have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and

5. Wheelchair Accessible Vehicles

- 5.1 Vehicles must be able to accommodate at least one wheelchair using passenger.
- 5.2 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.
- 5.3 Wheelchairs can be loaded from either the side or the rear of the vehicle
- 5.4 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.
- 5.5 A suitable restraint must be available to the occupant of the wheelchair.
- 5.6 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.
- 5.7 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.

APPENDIX F

PLYING FOR HIRE

1. Only licensed hackney carriages are permitted to ply for hire and only in the administrative 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 with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager or bus station marshal, 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.g. via their radio or mobile telephone or other device.
 - 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 vehicles MUST NOT be hailed in the street.
2. 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.
3. 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.

APPENDIX G

PRIVATE HIRE VEHICLE CONDITIONS

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme 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. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours in writing of his/her change of address.
2. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
3. Transfer of ownership – The owner must inform the Council in writing within 14 days if s/he transfers part or all of her/his interest in the vehicle to any other person.
4. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle within 7 days
5. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
6. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.
- 6a. Where the vehicle is involved in an accident and is declared a total loss and/or written off for insurance purposes, irrespective of which insurance category, the proprietor must give written notice the Council within 72 hours.
- 6b. The proprietor, upon request of the Council, must provide a Hire Purchase Investigation (HPI) check, or an equivalent agreed in advance by the Council, that reveals whether the vehicle has ever been declared a total loss and/or written off for insurance purposes, irrespective of which insurance category, within 72 hours.

Vehicle Condition and Maintenance

7. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
8. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly and record this in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

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9. Advisory Work notified during Testing – The Council's garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 7 & 8 above.
10. Appearance of vehicle – all paintwork shall 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.
11. Seats - The seats of the vehicle must be properly cushioned and covered.
12. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
13. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
14. Spare Tyre – There must be, in or on the vehicle, 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
15. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009
16. Vehicle Idling - That when the vehicle is parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council.

Alteration to vehicle

17. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
18. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

Signs and notices

19. Licence plate – The Council will issue to each licensed vehicle two “licence plates” particular to the vehicle, one to be affixed to the front and one to be affixed to the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
20. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council fixed directly to the body work of the vehicle. Private Hire Vehicle Licence plates will be green and white. Magnetic fixings are not permitted.
21. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
22. Identification Sticker – The Council will issue an “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front

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of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.

23. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council reasonably requires. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Private Hire Vehicle by the Council as detailed in **Appendix L**.
24. Other Identification - Each private hire vehicle, unless granted an exemption by the Council, must display door livery (as detailed in conditions 23 and 26).
25. Roof sign – Are not permitted to be used on Private Hire Vehicles
26. Door Livery –The form, location and wording must be approved by the Council. It must have the name of the operator and the words “private hire” or “office bookings only” on the livery. The Operator may include their telephone number. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words “for hire”, the word “taxi” or any derivative thereof.
27. Advertisements - The owner must not display any advertisements on or in the vehicle
28. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
29. Other signs – No other sign, notice, advertisement, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
30. Taxi meter for private hire vehicles – any private hire vehicles fitted with a taximeter must ensure they are well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the vehicle. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

Insurance

31. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

Vehicle Tests

32. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
33. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a private hire vehicle.
34. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

Animals

35. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
36. The driver may carry any animal belonging to a passenger at his/her own discretion and it is the responsibility of the driver to ensure that the animal is suitably restrained in order that it will not cause a distraction, or cause injury to you or themselves if you have to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, your vehicle has an airbag and it is not lying in the footwell you must notify the owner.

37. Paragraph 36 does not in any way remove or reduce the duty placed on the driver of the private hire vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under s170 Equality Act 2010 without charge unless the driver has a valid exemption certificate issued by this authority under s171. When attending a booked fare and the passenger has an assistance dog with them the driver must stop to carry them. Failure to do so will be treated as an illegal refusal.

Other requirements

38. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.
39. Licence holders must comply with any reasonable request from an authorised officer of another local authority

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.

I acknowledge receipt of these conditions

Signature: _____

Date: _____

Printed: _____

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. 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.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. 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.
7. 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, and immediately before and after the journey on the way to and from the booking.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. 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.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

Additional Conditions for Vehicles with Private Hire Vehicle Exemption Certificates

1. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate it must be retained in the boot of the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
2. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate the driver of the vehicle must have their taxi driver licence badge in the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
3. Where the Council request copies of contracts and/or client lists the proprietor shall, within 72 hours, produced them an authorised officer.
4. Any amendments to the intended use of the vehicle must be notified in writing to the Council before they take place. If the Council determine that the proposals are not suitable and/or inline with the grounds given for the original issue of the Private Hire Vehicle Exemption Certificate then the Certificate may be withdrawn.
5. Vehicles that benefit from a Private Hire Vehicle Exemption Certificate may be transferred from one proprietor to another but the Private Hire Vehicle Exemption Certificate itself is non-transferrable. The proposed new proprietor would have to submit an application for a Private Hire Vehicle Exemption Certificate at the time as the vehicle transfer. The vehicle must not be used until the Council have granted a new certificate.
6. The vehicle must remain in pristine condition, both internally and externally, at all times. Failure to do so may lead to the certificate being withdrawn.

ADDITIONAL LIMOUSINE CONDITIONS OF LICENCE

These additional conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme 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 Newcastle-under-Lyme 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:

1. The vehicle will be presented for, and successfully complete, a garage test at the Council testing station on Knutton Lane or an alternative location authorised by the Authority every 6 months.
2. The vehicle will be licensed for a maximum number of 8 passengers.
3. The vehicle will not be subject to an age restriction for the purposes of licensing.
4. Adequate three point seat belt installations must be in place for the equivalent number of passengers and driver.
5. Must provide a certificate of compliance through the Individual Vehicle Approval Scheme (IVA, formerly known as the Single Vehicle Approval Scheme (SVA)).

6. Must provide proof of manufacturer's alterations approval for the vehicle
7. Children under 135cm tall or 12 years (whichever they reach first) can not travel in a sideways facing seat
8. Standard council identification plates must be displayed.

APPENDIX H

PRIVATE HIRE VEHICLE SPECIFICATIONS

Vehicle Age

Upon first application all vehicles must be less than 7 years old

There is no maximum age for vehicles to be licensed. At 10 years old all vehicles will require a Council Vehicle Test prior to each renewal and at 6 monthly intervals.

Grandfather Rights

Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Specifications

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 and can be any colour other than black, or a colour that closely resembles black (eg dark greys, blues may not be suitable)
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 to prove the conversion has been carried out to the required standard (European-wide type approval).
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;

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:-
 - 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).
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:
18. Be maintained in a sound mechanical and structural condition at all times;
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;
20. Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
21. Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
22. Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.
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.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

Wheelchair Accessible Vehicles

24. Vehicles must be able to accommodate at least one wheelchair using passenger.
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.
26. Wheelchairs can be loaded from either the side or the rear of the vehicle
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.
28. A suitable restraint must be available to the occupant of the wheelchair.
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.
30. 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.

Other Vehicles

Limousines, Novelty Vehicles and Vintage Vehicles

31. 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).
32. 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.
33. 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.)
34. 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 Public Protection Committee or Sub-Committee for determination.

Private Hire Vehicle Exemption Certificates

The Local Government (Miscellaneous Provisions) Act 1976 ("LGMPA76") prohibits a licensed private hire vehicle being used without the identification plate issued by the Council being displayed upon the vehicle. It also provides that the driver of said vehicle must wear their identity badge (referred to here as drivers badge) at all times they are driving it.

The Council may issue a written notice (referred to here as a Private Hire Vehicle Exemption Certificate) that exempts the proprietor of the vehicle from having to display the identification plates. The Private Hire Vehicle Exemption Certificate can be used to exempt a vehicle from displaying plates at specific times or can give a blanket exemption. If the Council issues a Private Hire Vehicle Exemption Certificate then the LGMPA76 provides that the driver of said vehicle does not have to wear their drivers badge.

The LGMPA76 allows the Council to attach conditions to a private hire vehicle licence including the displaying of door signs upon the vehicle, colour of the vehicle and level tint permitted in the windows.

A proprietor can request to be exempt (referred to here as Private Hire Vehicle Exemption Requests) from displaying the vehicle licence plates and wearing the drivers badge, and also to be exempt from conditions attached to private hire vehicle licences such as those detailed above.

The LGMPA76 is silent on the reasons why a Council may choose to grant such an exemption to not display signs, plates and the driver's badge.

Private Hire Vehicle exemption requests are usually made in connection with 'executive' or 'celebrity' customers who rather than requiring the security that clear identification of the vehicle and driver usually affords, instead may become more at risk (along with the driver) if their presence can be identified from use of a particular vehicle or operator.

There are currently a small number of local operators that benefit from a Private Hire Vehicle Exemption Certificate and the Council's starting position is that a Private Hire Vehicle Exemption Request will only be granted in very limited circumstances. While the legislative process is specific and a standard process for requesting and determining an exemption operates, there is an absence of criteria within the legislation to guide applicants and Members regarding if and when an exemption should be granted. Here we seek to outline the criteria that the Council will use when determine whether a request will be granted.

The Council will request copies of written contracts or client lists to support the application, and may restrict the use of an exempted vehicle to contracted work only.

Given the type of passengers to be carried exempted vehicles are expected to be prestigious models with above average appearance and levels of equipment. Suggested indicative features are:

- ***A vehicle which is above the standard model and towards the top of the range as offered by the vehicle manufacturer***
- ***Climate control, all electric windows, and central anti-intrusion locking***
- ***Front and rear headrests and above average legroom***
- ***Seats which permit direct access into and out of the vehicle without the need to move, remove or fold down any other seat***
- ***Pristine interior and external condition***

Use of the vehicle outside of the exemption is permitted by the legislation provided door signs and licence plates are reapplied, however if a vehicle has been granted an exception certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.

All exempted vehicles must carry their licence plates and the Private Hire Vehicle exemption certificate in the boot of the vehicle at all times and produce them to an authorised officer of the Council or a Police Constable upon request.

There is a prohibition on private hire vehicles being black or a similar colour. Vehicles that benefit from a Private Hire Vehicle exemption certificate will be exempt from this condition and may be any colour.

If a proprietor of an exempted vehicle applies to transfer it to another person then that person will also have to apply for a new exemption certificate. Private Hire Vehicle Exemption certificates can not be transferred from one person to another, or from one vehicle to another.

APPENDIX I

PRIVATE HIRE OPERATOR CONDITIONS

These conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire operator in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become and remain an operator and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. Information on these issues is set out in the Policy document above.

Breach of these conditions may lead to the suspension of the licence and consideration of revocation of the licence or prosecution.

The Conditions attached to the licence are as follows:

Notification requirements

1. Change of Address - The private hire operator must notify the licensing authority ("the Council") within 72 hours in writing of his/her change of personal address.
2. Change of Vehicles – The operator must inform the Council in writing within 72 hours of operating an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.
3. Convictions/Cautions or other enforcement action – The operator must notify the Council within 72 hours in writing of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority.

The operator must also notify the Council, in writing, within 72 hours of any other enforcement action taken by another local authority under the 1976 Act or the Town Police Clauses Act 1847. If the operator is a company or partnership any action listed above taken against the company or any of the directors or partners must also be notified to the Council. **For the avoidance of doubt this condition also applies to any driving convictions.**

4. Where the operator is required to notify the Council under condition 3, they must provide the Council with details of:
 - The offence / mischief;
 - The date of conviction / enforcement action;
 - The sanction imposed;
 - The imposing authority / place;

Record Keeping

5. Booking records - Each operator must keep a record of the particulars of every booking invited

or accepted by him, including the name of the staff member that took the booking. Such records must be kept for 12 months. **Each record must be fully completed before the dispatch of any vehicle or any part of the journey is undertaken.**

The records must specify the following:

- Date and time of booking;
- Client's first name and surname;
- Origin of journey;
- Time of journey;
- Destination of journey;
- Identification of both driver and the vehicle allocated to the booking;
- the name of the individual that responded to the booking request (unless the response was automated via a computerised system)
- the name of the individual that dispatched the vehicle (unless the response was automated via a computerised system)
- The agreed fare.

Records must also be maintained for any regular contract work that the operator may undertake such as school contracts, and include the same information as above.

6. Booking records must be kept at the base recorded on the Operator's licence.

7. The operator must ensure that they use appropriate staff to carry out their bookings. The Operator must use a Fit and Proper test, similar to the one the Council use for determining whether to grant an operator's licence, for each member of staff that they employ. The operator should not employ any individual that falls below that test.

8. Sub-contracted Bookings – Each operator must keep a record of the particulars of each journey that is either subject to sub-contracting. The record must specify:

- Date and time of booking;
- Operator received from (or passed to);
- Client's first name and surname;
- Origin of journey;
- Time and date of journey;
- Destination of journey;
- Identification of both driver and the vehicle allocated to the booking;
- The agreed fare;
- Confirmation that the customer has been advised that the journey has been sub-contracted.

Complaints Procedure

9. Each operator must 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.

10. The complaints procedure and complaint 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 on a risk based approach. Where a complaint is received about one of the below matters the operator must notify the Council in writing within 72 hours, including the name and contact details of the complainant, the nature of the complaint and the name of the driver involved:

- A driver's behaviour or conduct towards a vulnerable passenger;
- Inappropriate sexual comments towards a passenger;

Classification: NULBC UNCLASSIFIED

- Report of poor and/or dangerous driving;
- A driver being under the influence of alcohol and/or any other drug (illegal or medicinal);
- A refusal of a passenger with a wheelchair or an assistance dog.

11. The records may be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.

Operator Vehicle Schedule

12. The operator must keep a schedule of all vehicles they operate ("the Operator Vehicle Schedule"). The Operator Vehicle Schedule must record the make, model, registration number, private hire number and the date of expiry of the private hire plate, insurance, road tax and MOT (where applicable) on the Operator Vehicle Schedule. The Operator Vehicle Schedule must be kept up to date by the operator.
13. The operator must not operate any private hire vehicle other than those which have been listed on the Operator Vehicle Schedule. All vehicles on the Operator Vehicle Schedule must have a valid private hire licence with the Council.

Operator Driver Schedule

14. The operator must keep a schedule of all drivers s/he employs or uses ("the Operator Driver Schedule"). The Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.
15. The operator must not use or employ any private hire driver other than those listed by the Operator on the Operator Driver Schedule.

Operator to keep Drivers' Licences

16. It is the operator's responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited her/his licence with the operator whilst s/he is available for work.

Standard of Service

17. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.
18. Punctuality – The operator must ensure that when a private hire vehicle has been hired to be at an appointment at a certain time and place that the vehicle attends punctually unless delayed for reasons beyond the reasonable control of the operator.
19. Standard of Premises accessible to public – Where the operator has premises accessible by the public whether for booking or waiting they must be kept clean and adequately heated, ventilated and lit. They must also have adequate seating facilities. Premises accessible to the public must also have public liability insurance cover of at least £5,000,000.

Operator Base

20. Limit on operation – The operator must only operate from the base or bases identified on the operator's licence.

21. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operate radio equipment requiring such permission.

Insurance

22. Insurance - The operator must ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. A copy of the original certificate of insurance or cover note relating to each vehicle which shows those persons entitled to drive must be retained by the operator on the premises specified on the licence. Where the policy is a fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.

23. MOT – The operator must at all times ensure that each vehicle has a valid MOT test certificate if required by law.

Fares

24. Agreed fare- Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

Other requirements

25. The Operator must comply with all other relevant statutory requirements. The Operator must also take all reasonable steps to ensure that any drivers they employ or uses comply with relevant statutory requirements. The most common statutory requirements are set out in the Council’s guidance and policy statement accompanying these conditions.

26. The Operator must allow Police Officers and authorised officers of the Council access to the business address, at any time the business is in operation, for the purpose of carrying out inspections and obtaining copies of relevant records.

The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the suspension of the operator’s licence and consideration of revocation of the licence and/or where appropriate prosecution.

I acknowledge receipt of these conditions

Signature: _____

Date: _____

Printed: _____

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

APPENDIX J

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

1. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
2. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) will be persons of the highest integrity.
3. The purpose of this document is to specify how Newcastle-Under Lyme Borough Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
4. In certain circumstances these guidelines say never to a licence being granted, but each case will be considered on its own merits

Pre-application requirements

5. The Council is entitled to set its own pre-application requirements and these are outlined in the Policy and relevant appendices.
6. In relation to all Hackney Carriage and Private Hire licences, the Council has discretion as to whether or not to grant the licence.
7. Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
8. There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.
9. "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
10. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
11. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
12. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
13. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, the Council will decide what action to take in the light of these guidelines.
14. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
15. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in

connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

16. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
17. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
18. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
19. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
20. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution or other enforcement action being taken.
21. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
22. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
23. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
24. These guidelines do not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

25. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
26. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle.
27. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
28. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
29. In relation to single convictions, 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

30. 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

31. 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

32. 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

33. 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

34. 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.
35. 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

36. 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

37. 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.
38. 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

39. 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

40. 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 hand-held telephone or hand held device whilst driving

41. 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.
42. Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

43. 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. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence.
44. 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. The 7 year period remains in place even when penalty points expire and are removed from the DVLA licence.

Hackney carriage and private hire offences

45. 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

46. 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.

Private Hire Operators

47. A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
48. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
49. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria, that will lead to the operator's licence being revoked.
50. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

51. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
52. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
53. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
54. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
55. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

APPENDIX K

CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be, for example, a child, an elderly person or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol or drugs).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle unless the booking being carried out is under a Staffordshire County Council, or other relevant body, contract for carrying vulnerable persons, in which case the vulnerable passenger may be carried in the front passenger compartment of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers and there is a carer/responsible person present, then photo-identification should be produced to the driver by the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person, such as their carer, family member, parent or guardian should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs assistance, and should not make assumptions.
- Drivers must remain professional at all times and should not:
 - Touch a person inappropriately
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - Behave in a way that may make a passenger feel intimidated or threatened
 - Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.
- Drivers and operators must remain alert to issues around the safeguarding of children and adults at risk. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the Police by telephoning 101 (or in an emergency by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report such concerns to the council's licensing department (01782 717717), Police (101 or in an emergency by calling 999) or Crimestoppers (0800 555111).

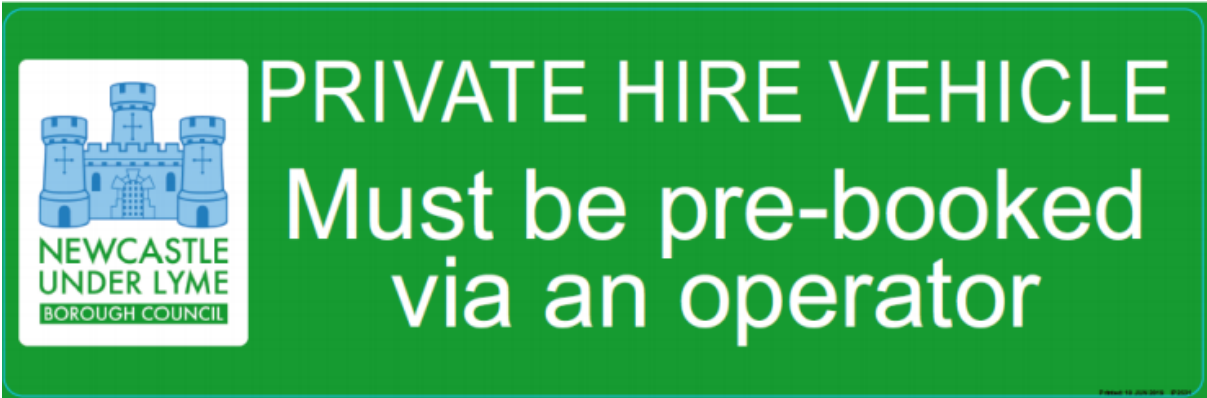
APPENDIX L

Vehicle Door Signage – Agreed 22.10.2019

HCV:



PHV:



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report for Public Protection and Licensing Committee – September 2022

<u>Title:</u>	Public Space Protection Order Public Consultation Update
<u>Submitted by:</u>	Executive Director of Sustainable Environment and Operations
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	All

Purpose of the Report

This report is to;

- Provide an update regarding the recent public consultation undertaken on the two proposed Public Spaces Protection Orders (PSPOs) and provide recommendations to the committee seeking approval to adopt two PSPOs in the Borough.

Recommendations

That the Public Protection and Licensing Committee considers the content of this report and gives approval for Officers to carry out further public consultation on the requested amendments to the two proposed PSPO's at the below locations;

1. Newcastle Town Centre PSPO(see Appendix 1)
2. Queen Elizabeth Park PSPO (see Appendix 2).

Reasons

- Following ongoing reports of anti-social behaviour in these locations, the Borough Council is seeking to use its powers to impose prohibitions to tackle incidents of anti-social behaviour. Please refer to Appendix 1 and 2 for further information.
- The Committee is required to consider agreeing to the conditions of the order so that a final 6 week consultation can be completed. This consultation will factor in any suggested amendments to the original proposals, put forward during the initial consultation.

1 Background

- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3

years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

In 2019 the Committee agreed to adopt two PSPO's that covered Newcastle Town Centre and Queen Elizabeth Park. On the 26th May 2022 those orders lapsed and we now need to consider the importance of having such like orders in place, the benefits of such orders, and whether the conditions included in Appendix 1 and 2 of this report are of the agreement of the committee.

Since the previous PSPO's were adopted in the town centre, we have been hit with a global pandemic. Therefore we need to consider this when we look at the number of breaches below:

- 2 in 2019
- 3 in 2020
- 3 in 2021
- 0 in 2022

From consultations that have been undertaken with Staffordshire Police we are able to provide the following statistics for in and around the town centre.

- Decrease of 1% in anti-social behaviour
- Increase of 15% in fireworks nuisance
- Increase of 33% in Begging and Vagrancy
- Increase of 35.5% in Rowdy and inconsiderate behaviour
- Decrease of 21% street drinking
- Decrease of 18% for drug related offences.
- Increase in public order offences by 69%
- Increase in violent crime by 72%
- Increase in Criminal Damage by 49%

ASB statistics from the Borough Council –

- 2018/2019 – Total ASB cases 456 – town centre related ASB 109
- 2019/2020 – total ASB cases 342 – town centre related ASB 67
- 2020/2021 – total ASB cases 461 – town centre related cases 254
- 2021/2022 – total ASB cases 587 – town centre 254
- 2022/2023 to date ASB cases 279 – town centre 198

The conditions in Appendix 1 and 2 will look to cover a range of behavioural issues that we believe are impacting on the town centre and Queen Elizabeth park.

Following the initial 6 week consultation period, (a copy of the full results can be seen on Appendix 3) amendments to the proposed orders have been included in this report. We will then conduct a final 6 week consultation on the changes. This will be followed with a return to the committee to express the results of the second consultation whereby a decision will be made whether to adopt the proposed Order's at this point.

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act). To coincide with this, we are currently looking at the legal frame work to extend the authorisations of those who will be able to enforce the PSPO to include the Mobile Multi Function Team and PCSO's from Staffordshire Police.

- 1.3 The main issues in Newcastle-under-Lyme Town Centre have previously been highlighted as street drinking, drug taking, aggressive and/or persistent begging, general anti-social behaviour and vandalism/defacement of property. We are now looking to reintroduce prohibitions to tackle this behaviour.
- 1.4 A six week public consultation was undertaken from 15th July to 26th August. Its purpose was to gauge the level of support for the inclusion of a number of prohibitions for the PSPO in Newcastle Town Centre.
- 1.5 The boundaries for the exclusion zones whereby the proposed PSPO's will be situated will remain the same as the former PSPO's in place. This included the Newcastle Town centre and Queen Elizabeth Park areas as shown in Appendix 1 and 2.

2. Public Consultation Findings

From 15th July to 26th August there were 219 online responses submitted, but not all respondents answered every question.

- 187 from residents of Newcastle-under-Lyme Borough
- 53 from people employed in Newcastle-under-Lyme Borough
- 19 from visitors to Newcastle-under-Lyme
- 16 from local business owners/managers
- 7 from representatives of organisations
- 6 from councillors

2.1 Clear support for all the proposed restrictions. At least 88 per cent thought that each of the proposed restrictions were justified.

- The lowest support for the restrictions related to vandalism (88 per cent)
- The highest support for the proposed restrictions related to drug taking (96 per cent)
- A significant proportion of younger respondents were undecided on the vandalism question.
- Generally, older age groups were more in agreement that each of the proposed restrictions were justified.

2.2 Following the feedback from the Public Consultation it provides majority support for the two PSPO's to be made. Please refer to the report in Appendix 3 for further information.

2.3 We are also looking to add in some additional conditions to tackle some of the issues we are seeing on the town centre.

- Discarding hypodermic needles or syringes in a public space (except in an appropriate sharps container)
- Occupying a tent or other temporary structure in a manner likely to create a health and safety risk for other people.
- Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

In addition to the above, we will also be looking to extend the boundary of the town centre PSPO as per appendix 3.

4. Recommendations

- 4.1 It is recommended that the Public Protection and Licensing Committee acknowledge the consultation results and approve the draft Public Space Protection Orders for both Newcastle Town Centre and Queen Elizabeth Park to allow us to initiate a final 6 week consultation on the final proposals.

5. Outcomes Linked to Corporate Priorities

- 5.1 The Council Plan outlines a priority to create two vibrant town centres in Newcastle and Kidsgrove where everyone can live, work, shop, study and spend their leisure time.

We want our town centres in Newcastle and Kidsgrove to be the vibrant and successful centres of life in the borough. We want to ensure that they have the right retail, public service, leisure, cultural, business and residential facilities that work for local residents and attract visitors and businesses to the town centres.

To achieve the Council's priorities PSPO's can be utilised in building on our work with Police and partners to reduce anti-social behaviour and fear of crime in our communities.

6. Legal and Statutory Implications

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

7. Equality Impact Assessment

- 7.1 An Equality Risk Assessment has been refreshed detailing how PSPO's will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars.

8. Financial and Resource Implications

- 8.1 The two PSPO's will be managed under existing Council resources in Town Centre and Community management, Legal, Finance Teams with assistance from partners such as the Police who will be identifying breaches of the PSPO, issuing FPNs and as authorised persons on behalf of the Council as outlined in the PSPO Order.

- 8.2 There may be an additional staffing resource required to support the management of FPN's, including income recovery when non-payment occurs. This depends on how many FPNs are issued and how many occurrences there are of non-payments. Also, the level of resulting income cannot be accurately predicted but is not expected to be significant. It will be monitored on a regular basis and managed using existing resources.

9. Key Decision Information

9.1 This report can be considered key because it requires the Borough Council to commit existing and additional resources for the function to which the decision relates.

10. Earlier Cabinet/Committee Resolutions

10.1 In June 2018 the Anti-Social Behaviour Policy report was approved by Cabinet.

10.2 In July 2018 the report 'Public Space Protection Orders review' was approved by Cabinet.

10.3 In July 2018 the report 'Public Space Protection Orders variation' was approved in principle by the Public Protection and Licensing Committee.

10.4 In January 2019 the report 'Public Space Protection Order Public Consultation Update' was approved by the Public Protection and Licensing Committee.

10.5 In June 2022 the report 'Public Space Protection Order Public Consultation approved the initial 6 week consultation.

11. List of Appendices

11.1 Appendix 1: Public Space Protection Order Newcastle Town Centre (draft Order)

11.2 Appendix 2: Public Space Protection Order Queen Elizabeth Park (Draft Order)

11.3 Appendix 3: New proposed Map area for the town centre PSPO.

11.4 Appendix 4: Consultation results

12. Background Papers

12.1 None

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER NUMBER 1 OF 2022 (the “ORDER”)
AREA OF NEWCASTLE-UNDER-LYME TOWN CENTRE

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number of 2022.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on DATE and shall have an effect for 3 years thereafter, unless extended by further order under the Councils statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, area of Newcastle Town Centre as shown edged red on Appendix 1 (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. Possessing or using of an aerosol and/or any item intended to cause defacement within the Exclusion Zone.
2. Engaging in behaviour likely to cause harassment, alarm or distress within the Exclusion Zone. Examples include, but are not limited to the following activities:
 - a. Congregating in a group of three or more persons within the Exclusion Zone following a request from an Authorised Person that such group must disperse.
 - b. Being verbally abusive to any other person within the Exclusion Zone.
 - c. Using or threatening to use violence against any other person within the Exclusion Zone.
 - d. Having in their possession open cans, bottles or other unsealed receptacles containing alcoholic beverages (including empty receptacles) within the Exclusion Zone.
 - e. Carrying out any form of graffiti on any surface within the Exclusion Zone.

APPENDIX 1

3. Failing to cease to consume alcohol and/or surrender alcohol when requested to do so by a police officer or other authorised person.
4. Not to consume alcohol within the exclusion zone unless within a licenced premises or within a designated area subject to a street traders licence.
5. Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances including novel psychoactive substances within the Exclusion Zone.
6. Persistent and aggressive begging, causing obstruction, harassment and threatening behaviour, which could cause intimidation.
7. Failing to deposit litter of any form in any area other than in a designated receptacle.
8. Not to urinate / defecate in public view.
9. Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)
10. Occupying a tent or other temporary structure in a manner likely to create a health and safety risk for other people.
11. Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

APPEALS

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

DEFINITION AND EXEMPTIONS:

1. Order may be cited as the '*Newcastle-under-Lyme Town Centre Anti-social Behaviour Public Spaces Protection Order*'.
2. '*Authorised Person*' a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.

APPENDIX 1

3. *'Intoxicating substances'* means substances with the capacity to stimulate or depress the central nervous system but does not include tobacco, alcohol or vaporisers.
4. *'Persistent and aggressive'* in the context of begging means sitting or loitering in a public space with any receptacle used to contain monies for the purpose of begging, soliciting payment, harassing and threatening such that could cause intimidation.
5. Consuming alcohol in breach of a PSPO is not an offence under S.67 of the Act. However, under S.63 of the Act it is an offence to fail to comply with a request by a Police Officer or an Authorised Person to cease drinking or surrender alcohol that a person has been or intends to drink in breach of the prohibition in the PSPO. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

RESTRICTIONS AND PENALTY:

1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the Activities within the Exclusion Zone. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
 - a. Obstruct any authorised officer in the proper execution of their duties;
 - b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

APPENDIX:

A street plan of Newcastle-under-Lyme Borough Council, Area of Newcastle Town Centre showing the Exclusion Zone edged in red.

Given under the Common Seal of
Newcastle-under-Lyme Borough Council
On the

.....day of2019

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed
In the presence of:

..... Authorised Officer

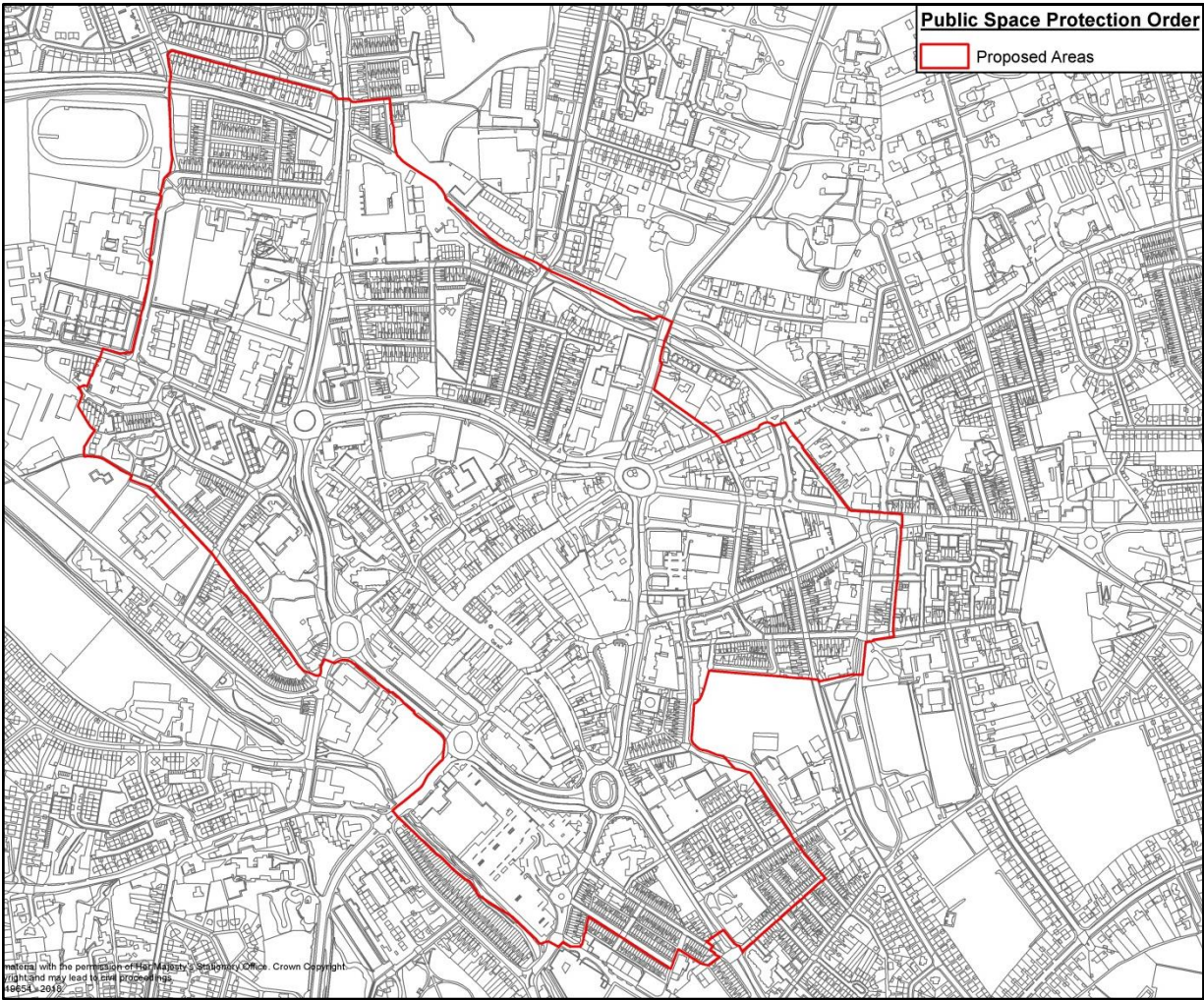
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APPENDIX 1

**PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2022 (the “ORDER”)
AREA OF NEWCASTLE-UNDER-LYME TOWN CENTRE (“the Exclusion Zone”)**

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER NUMBER 1 OF 2022 (the “ORDER”)
AREA OF QUEEN ELIZABETH PARK (off SILVERDALE ROAD)

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number 2 of 2022.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on DATE and shall have an effect for 3 years thereafter, unless extended by further order under the Councils statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, area of Queen Elizabeth Park as shown edged red on Appendix 1 (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. Possessing or using of an aerosol and/or any item intended to cause defacement within the Exclusion Zone.
2. Engaging in behaviour likely to cause harassment, alarm or distress within the Exclusion Zone. Examples include, but are not limited to the following activities:
 - a. Congregating in a group of three or more persons within the Exclusion Zone following a request from an Authorised Person that such group must disperse.
 - b. Being verbally abusive to any other person within the Exclusion Zone.
 - c. Using or threatening to use violence against any other person within the Exclusion Zone.
 - d. Having in their possession open cans, bottles or other unsealed receptacles containing alcoholic beverages (including empty receptacles) within the Exclusion Zone.
 - e. Carrying out any form of graffiti on any surface within the Exclusion Zone.

APPENDIX 2

3. Failing to cease to consume alcohol and/or surrender alcohol when requested to do so by a police officer or other authorised person.
4. Not to consume alcohol within the exclusion zone unless within a licenced premises or within a designated area subject to a street traders licence.
5. Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances including novel psychoactive substances within the Exclusion Zone.
6. Persistent and aggressive begging, causing obstruction, harassment and threatening behaviour, which could cause intimidation.
7. Failing to deposit litter of any form in any area other than in a designated receptacle.
8. Not to urinate / defecate in public view.
9. Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)
10. Occupying a tent or other temporary structure in a manner likely to create a health and safety risk for other people.
11. Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

APPEALS

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

DEFINITION AND EXEMPTIONS:

1. Order may be cited as the '*Queen Elizabeth Park Anti-social Behaviour Public Spaces Protection Order*'

APPENDIX 2

2. “*Authorised Person*” a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.
3. ‘*Intoxicating substances*’ means substances with the capacity to stimulate or depress the central nervous system but does not include tobacco, alcohol or vaporisers
4. ‘*Persistent and aggressive*’ in the context of begging means sitting or loitering in a public space with any receptacle used to contain monies for the purpose of begging, soliciting payment, harassing and threatening such that could cause intimidation
5. Consuming alcohol in breach of a PSPO is not an offence under S.67 of the Act. However, under S.63 of the Act it is an offence to fail to comply with a request by a Police Officer or an Authorised Person to cease drinking or surrender alcohol that a person has been or intends to drink in breach of the prohibition in the PSPO. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

RESTRICTIONS AND PENALTY:

1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the Activities within the Exclusion Zone. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
 - a. Obstruct any authorised officer in the proper execution of their duties;
 - b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

APPENDIX:

A street plan of Newcastle-under-Lyme Borough Council, Area of Queen Elizabeth Park showing the Exclusion Zone edged in red.

Given under the Common Seal of
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On the

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THE COMMON SEAL of the
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Was hereunto affixed
In the presence of:

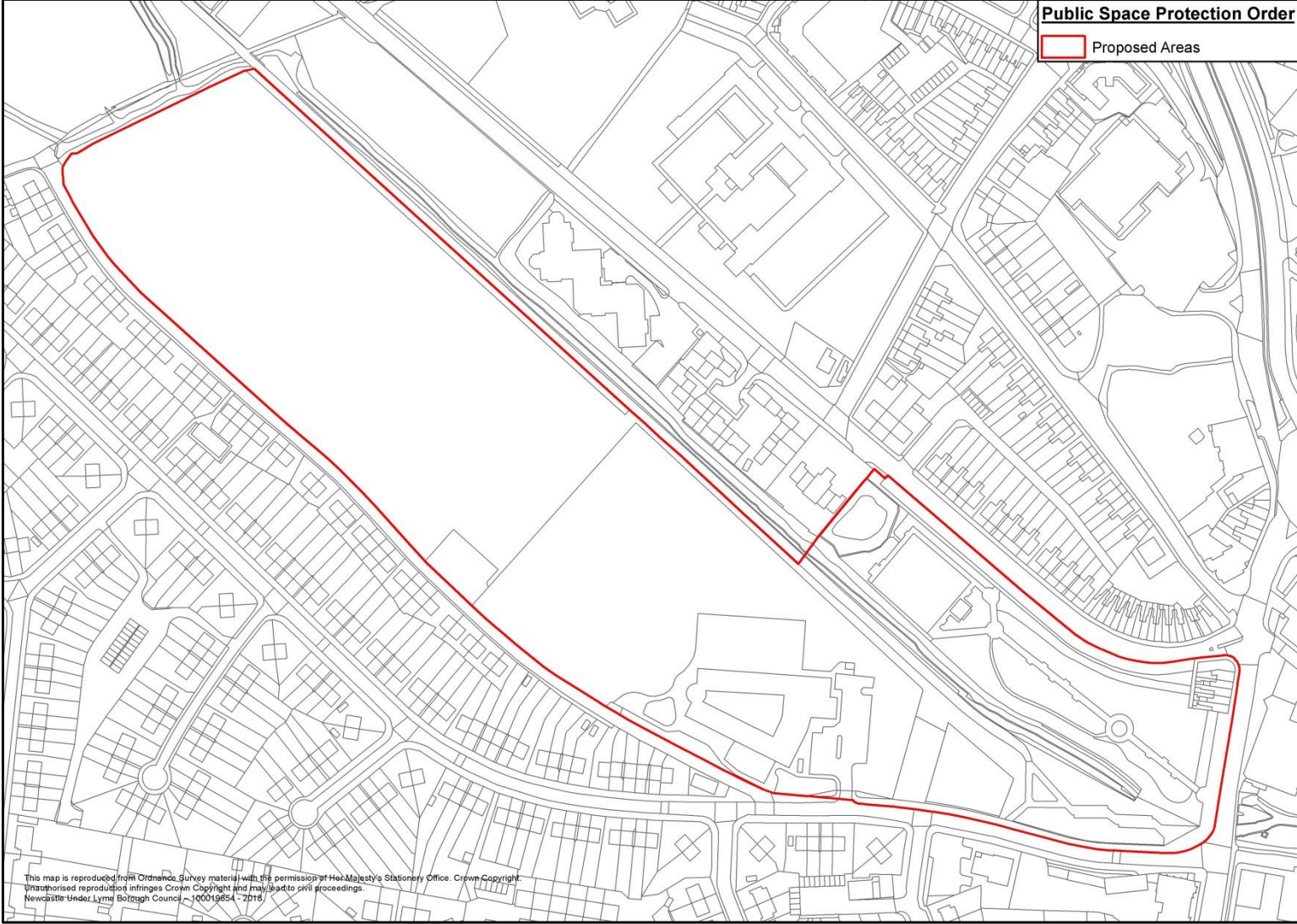
..... Authorised Officer

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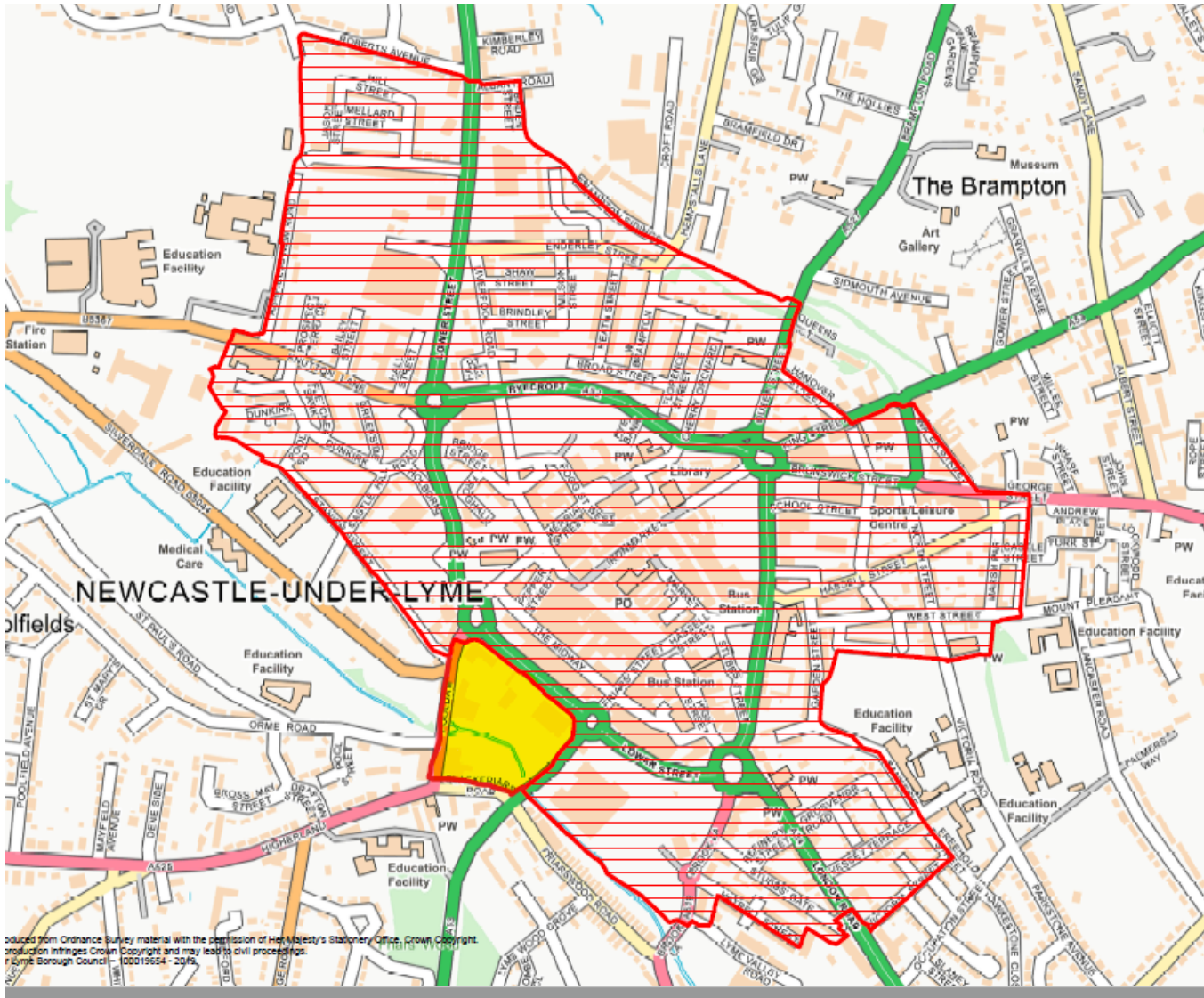
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APPENDIX 1
PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2022 (the “ORDER”)
AREA OF QUEEN ELIZABETH PARK (“the Exclusion Zone”)

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Public Space Protection Order Public (PSPO) Consultation 2022

Background

- From 15 July to 26 August 2022 there were 219 online responses submitted, but not all respondents answered every question
 - 187 from residents of Newcastle-under-Lyme borough
 - 53 from people employed in Newcastle-under-Lyme borough
 - 19 from visitors to Newcastle-under-Lyme
 - 16 from local business owners/managers
 - Seven from representatives of organisations
 - Six from councillors.

Headline findings

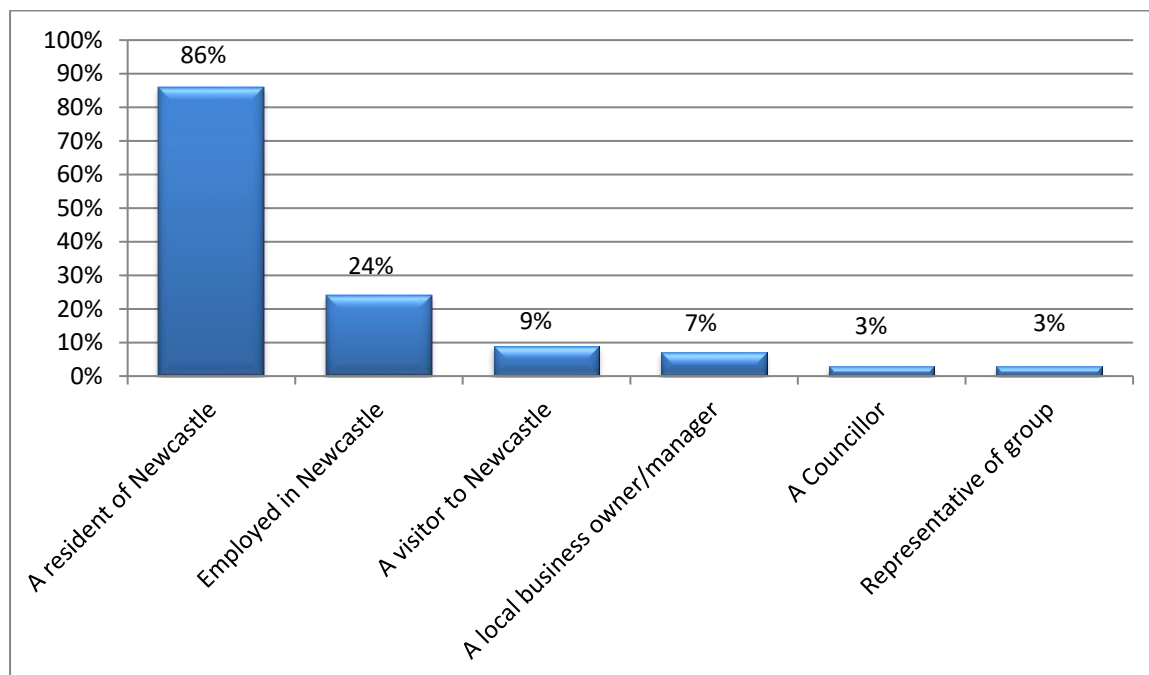
- Clear support for all the proposed restrictions. At least 88 per cent thought that each of the proposed restrictions were justified.
 - Lowest support for the vandalism question (88 per cent)
 - Highest support for the drug-taking question (96 per cent)
- Significant proportion of younger respondents were undecided on the vandalism question
- Generally, older age groups were more in agreement that each of the proposed restrictions were justified

Analysis

Q1) Are you...?

Respondents were asked about their links to Newcastle-under-Lyme. Note that as they could choose more than one answer, totals will add up to considerably more than 100 per cent.

Figure 1: Are you...? 219 respondents



Submissions were also received from representatives of the following local community/voluntary groups:

- Ashfields Residents Association
- HitMix Radio / BBC / The Sentinel
- Newcastle District Scout Council
- Newcastle Foodbank
- PAP Philip Astley Project CICADAS

A large majority (86 per cent) of the respondents said that they lived in Newcastle-under-Lyme borough. 204 of them provided at least part of their home postcodes, enabling us to see which wards / non-borough areas they were from. Responses were received from 19 of the borough's wards, with the largest number coming from Town, May Bank, Westlands and Clayton. None were received from the northern wards of Talke and Butt Lane nor Newchapel and Mow Cop.

Table 1: Location of respondents based on 204 respondents

Ward / area	Respondents
Audley	5
Bradwell	5
Clayton	16
Crackley & Red Street	4
Cross Heath	6
Holditch & Chesterton	4
Keele	1
Kidsgrove & Ravenscliffe	1
Knutton	3
Loggerheads	1
Madeley & Betley	4
Maer & Whitmore	2
May Bank	26
Silverdale	10
Thistleberry	11
Town	32
Westbury Park & Northwood	9
Westlands	19
Wolstanton	9
Unknown ST5	23
Unknown ST7	1
Stoke-on-Trent	8
Stafford borough	3

Q2) Do you feel that street drinking in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

Responses were very much in agreement, with between 92 per cent and 97 per cent answering yes to the first three questions below, and with 94 per cent saying that the proposed restrictions are justified:

Table 2: Do you feel that street drinking in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

	Yes	No	Don't know / no opinion
Detrimental effect on people's quality of life	97%	1%	2%
Persistent in nature	96%	1%	3%
Unreasonable	92%	4%	4%
Proposed restrictions are justified	94%	2%	4%

Looking at responses by different age groups shows that those aged up to 50 were less likely to be supportive than respondents in the older age groups. That said, even in the 41-50 age group where a **comparatively** low 87 per cent were in agreement, 11 per cent did not disagree, answering 'don't know or no opinion' - only three per cent disagreed. All respondents aged 61+ were in agreement that the proposed restrictions were justified.

Table 3: Age profile of respondents to Q2

Age of respondents	Yes (proposed restrictions are justified)	No	Don't know or no opinion
All age groups	94%	2%	4%
30 and under	92%	8%	0%
31-40	94%	3%	3%
41-50	87%	3%	11%
51-60	96%	2%	2%
61-70	100%	0%	0%
71+	100%	0%	0%

Respondents were then given the chance to leave any comments. This was in an open text box so they were not restricted in what they said. [They are included in full in the appendix](#) as they are for all questions in this report.

Q3) Do you feel that drug taking in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

Again, almost all respondents answered 'yes' to the three parts, with rates of agreement between 94 per cent and 98 per cent, and 96 per cent feeling the proposed restrictions are justified.

Table 4: Do you feel that drug taking in and around Newcastle Town Centre and Queen Elizabeth Park is having a ...?

	Yes	No	Don't know / no opinion
Detrimental effect on people's quality of life	98%	1%	2%
Persistent in nature	96%	1%	3%
Unreasonable	94%	4%	2%
Proposed restrictions are justified	96%	2%	2%

As with the previous question, there was some difference between the age groups. Whilst noting that there was at least 92 per cent support in each age group, there was still less agreement in those aged up to 50. Almost all respondents aged 51+ said they thought the proposed restrictions were justified.

Table 5: Broad age group of respondents to Q3

Age of respondents	Yes (proposed restrictions are justified)	No	Don't know / no opinion
Overall	96%	2%	2%
30 and under	92%	8%	0%
31-40	93%	3%	3%
41-50	92%	3%	5%

51-60	98%	2%	0%
61-70	100%	0%	0%
71+	100%	0%	0%

Respondents were once more given the opportunity to add further comments, and the [comments are included in the appendix.](#)

Q4) Do you feel that vandalism (including defacement by aerosols) in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people’s quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

Responses to this question were broadly similar to the previous ones, though there was a higher proportion saying that they did not know or had no opinion.

Table 6: Do you feel that vandalism (including defacement by aerosols) in and around Newcastle Town Centre and Queen Elizabeth Park is having a...

	Yes	No	Don’t know / no opinion
Detrimental effect on people’s quality of life	84%	5%	11%
Persistent in nature	85%	4%	11%
Unreasonable	84%	5%	11%
Proposed restrictions are justified	88%	3%	9%

The three oldest age groups, containing respondents aged 51+, were most in support. Note that there were few respondents who said that the proposed restrictions were not justified, but, in particular with respondents aged 31-50, there was a significant proportion who said they did not know or had no opinion.

Table 7: Broad age group of respondents to Q5

Age of respondents	Yes (proposed restrictions are justified)	No	Don’t know or no opinion
Overall	88%	3%	9%
30 and under	85%	8%	8%
31-40	80%	3%	17%
41-50	80%	0%	21%
51-60	88%	6%	6%
61-70	100%	0%	0%
71+	92%	0%	8%

[Further comments are in the appendix.](#)

Q6) Do you feel that begging and/or rough sleeping in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people’s quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

Once more, a significant majority were in agreement, though 11 per cent did not feel that the begging/rough sleeping was unreasonable. 90 per cent felt the proposed restrictions were justified.

Table 8: Do you feel that begging and/or rough sleeping in and around Newcastle Town Centre and Queen Elizabeth Park is....?

	Yes	No	Don't know / no opinion
Detrimental effect on people's quality of life	94%	4%	1%
Persistent in nature	96%	3%	2%
Unreasonable	86%	11%	3%
Proposed restrictions are justified	90%	5%	5%

There was a small difference – overall – between the younger and older age groups. The youngest age group, containing respondents aged 30 and under, was by far the least likely to agree that the proposed restrictions were justified, and the oldest respondents, aged 71+, were in total agreement that they were. But even with the comparatively low agreement in those aged 30 and under, more respondents said they didn't know or had no opinion than those who said the proposed restrictions were not justified.

Table 9: Broad age group of respondents to Q6

Age of respondents	Yes (proposed restrictions are justified)	No	Don't know or no opinion
Overall	90%	5%	5%
30 and under	62%	15%	23%
31-40	90%	10%	0%
41-50	90%	3%	8%
51-60	94%	6%	0%
61-70	93%	0%	7%
71+	100%	0%	0%

[Further comments can be found in the appendix.](#)

Q7) Do you feel that anti-social behaviour in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

Between 94 per cent and 97 per cent were in agreement with the three questions, with 95 per cent opining that the proposed restrictions were justified.

Table 10: Do you feel that anti-social behaviour in and around Newcastle Town Centre and Queen Elizabeth Park is having a...

	Yes	No	Don't know / no opinion
Detrimental effect on people's quality of life	97%	1%	2%
Persistent in nature	94%	1%	5%
Unreasonable	94%	4%	3%
Proposed restrictions are justified	95%	1%	4%

There was a clearer difference between those aged up to 50 and those older. Those aged up to 50 were less likely to agree with the proposed restrictions, but, once more, they were more likely to say they didn't know or had no opinion than to disagree with the proposed restrictions.

Table 11: Broad age group of respondents to Q7

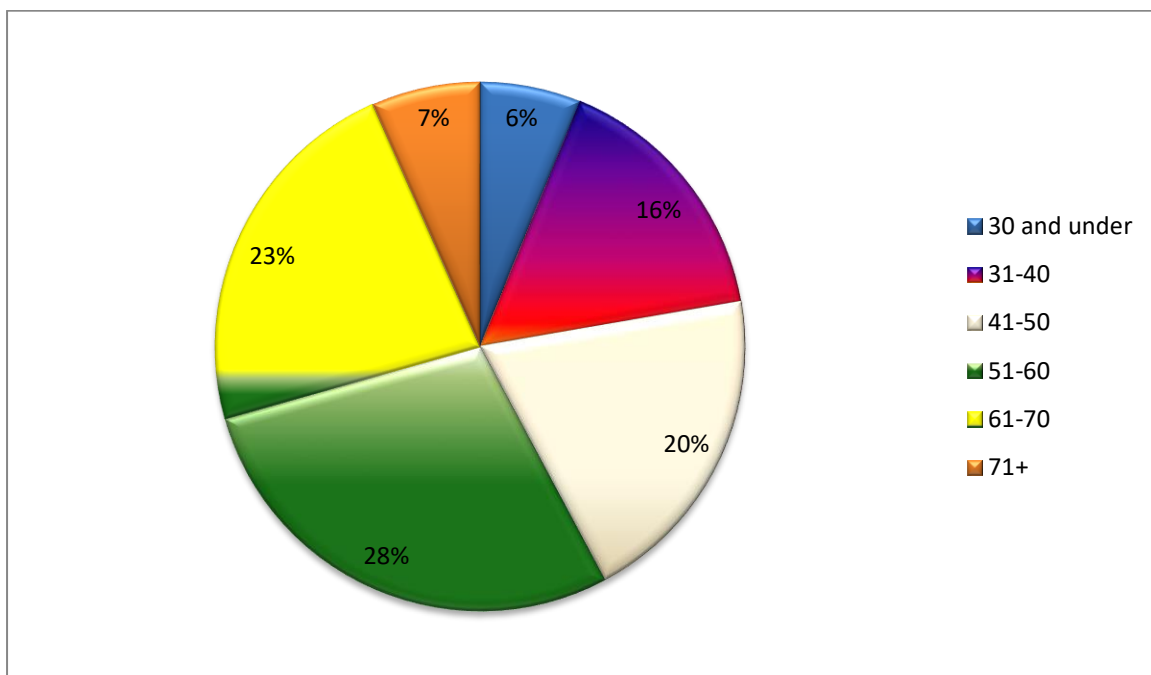
Age of respondents	Yes (proposed restrictions are justified)	No	Don't know or no opinion
Overall	95%	1%	4%
30 and under	92%	8%	0%
31-40	93%	0%	7%
41-50	89%	0%	11%
51-60	98%	2%	0%
61-70	95%	0%	5%
71+	100%	0%	0%

[Further comments are in the appendix.](#)

Age of respondents

Respondents were asked which broad age group they belonged to and 210 told us. This shows that 58 per cent of respondents were aged 51 and above with only 22 per cent aged 40 or younger.

Table 12: Broad age group of 210 respondents



Appendix

Comments from Question 2) Do you feel that street drinking in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

- It's gone on far too long. We now have open meeting places- opposite café Nero for example – where there are half a dozen alcoholics and assorted begging professionals on any given Sunday. The mess and swearing is dreadful.
- Absolutely necessary, the town is like a Dickens scene of drunks, very off-putting to shoppers, visitors, potential visitors. You need this pointing out the same culprits; the same places, all the time, easily found, spoiling the town for others.
- I've answered yes to all 4 questions. What we need though is enforcement by Police, not PCSO's who can do little more than have a chat with offenders.
- If in a beer garden or licensed out door area it's OK as not anti-social
- Recent deterioration means that PSPO needs to be stricter and far-reaching.
- Define street drinking? Sitting in a designated area at tables is ok as in lots of Countries. Walking around topless and rowdy isn't!
- Never seen so many people in the streets each morning, abusing people who pass by - there are clearly people trying to help them.
- More local policing
- It's an absolutely no go area and the PSO's are all Very Friendly with the drop outs so won't work
- It's making people not want to visit the town anymore
- Tired of feeling disgusted and unsafe in town
- It's intimidating and people have started to avoid the town centre, which affects businesses, then businesses close and the town centre is just full of closed shops.
- It's that bad now that I'm too scared to shop in Newcastle anymore
- Should cover the whole of the town and area
- Process seems very slow and laboured. Not enough coverage on the streets to stop the issue at the point it happens.
- Close down the Lyme Trust house and you will see a big reduction in crime.
- I live directly next to the park, I have had my car broken into accessed via the park, bins searched and emptied, people go the toilet in the bin area next to my house, I have to report numerous attempts to access my garden via the castle mound, individuals knocking on my door clearly on drugs. I am frightened for my safety
- The drinkers seemed to have vanished but it seems recently it has restarted and increased
- I have staff afraid to leave and arrive at work. People are constantly drinking outside of our offices. One man jumped onto the car bonnet of a 20 year old female member of staff. She was absolutely terrified. 2 members of the public had to physically drag him off her car.
- Bridge Street area and surrounding area is a hotspot for drug users, drunks and antisocial behaviour.
- I work in a bank in the town centre and we are plagued by this behaviour

- People feel scared to go into town
- Quite frankly it is disturbing to witness drunken behaviour, it is completely unnecessary and leads to totally unacceptable behaviours.
- I actively avoid going into Newcastle. This was a lovely market town which had been destroyed
- More should be being done to help people rather than just penalising them.
- The council needs to look at ways more than just these proposals. Actually helping people to not beg, not street drink, or take drugs, tackling homelessness solves the problem. This proposal although would make the town centre better, it just moves the people to a new area, residential areas, local parks etc.
- Getting worse nothing is ever done it's the same faces daily druggies beggars and alcoholics staff in shops especially Boots Newcastle being targeted pinching goods something needs to be done
- 10am - 2 men drinking cans, sores all over their legs. As a woman I'm not safe with them around. Feel nervous walking past these people I tend to go into town early to hopefully avoid them
- I know of many people who avoid visiting the town centre due to the disgusting behaviour of a minority of people who congregate there
- I have lived in the Borough all of my life. As a teenager in the 1980s, I felt safe to walk around of an evening as well as daytime, currently I avoid daytime shopping alone due to areas of the town becoming quite intimidating.
- Rough sleeper drinkers are intimidating particularly for single women, college students and school children travelling through the town centre. This needs curbing.
- Newcastle under Lyme is going on a downward spiral rapidly please do something about it before it's too late
- Though you may put restrictions in place, the minority who cause the problems know well that they can't be enforced as there is no visible police presence in Newcastle.
- I am on Castle Keep Court, it happens on a daily basis. Always smell weed and bottles of glass everywhere
- We have them outside the foodbank on occasion which is very unnerving for other clients
- Tables etc. on pavements lovely improvement to the town centre
- Higher penalty, £100 no deterrent.
- Feel very unsafe
- Any plans to encourage people into the town centre through proposed development is hampered by groups of lingering drinking in the town centre streets and subways. Many older people and those on their own are intimidated by anti-social drinking, begging and drug taking. Attempts to move them on to date have not been successful. There also seems to be professional beggars being shipped in early in the morning. A more concerted

effort to deal with this problem and provide support for those genuinely in need of it is needed.

- Street drinking is not wanted by visitors or people who live here and doesn't look good.
- I would like to see these restrictions in place for ALL other public places in Newcastle: e.g. 3 Parks, Lyme Valley, Brampton Park, The Butts, Bunny Hill
- Noticed a slight decrease but still happening.
- People do not feel safe any longer when in Newcastle which is having a detrimental effect on businesses as well as the public.
- I no longer want to go to the town centre and avoid if I can
- A lot of people tell me they avoid the town centre because of groups of people hanging around drinking and begging.
- Sitting at an outdoor table at a business is good, people wandering with cans/bottles is not.
- It's so bad I no longer feel safe in Newcastle and refuse to go to the town at night
- Even shouting and swearing which I heard on a visit to the town today Aug 10 was offensive and downgrading to the image of our town
- There is a gap between the two areas that presents an opportunity for drug related contacts and allows members of problem groups to re-form very close to the town centre. This gap could be closed up by adjustment of the boundary to Order No1 as follows 1 The unnamed alleyway between Stanier Street and Silverdale Rd adjacent to PALICK LT should be included in the area covered by No1. 2 If the rest of the precinct covering the stretch from the unnamed alleyway to the roundabout at the end of Stanier Street were all included then No1 and no2 orders would be joined together and there would be no gap between No1 and No2.
- I no longer visit the town if I can help it.

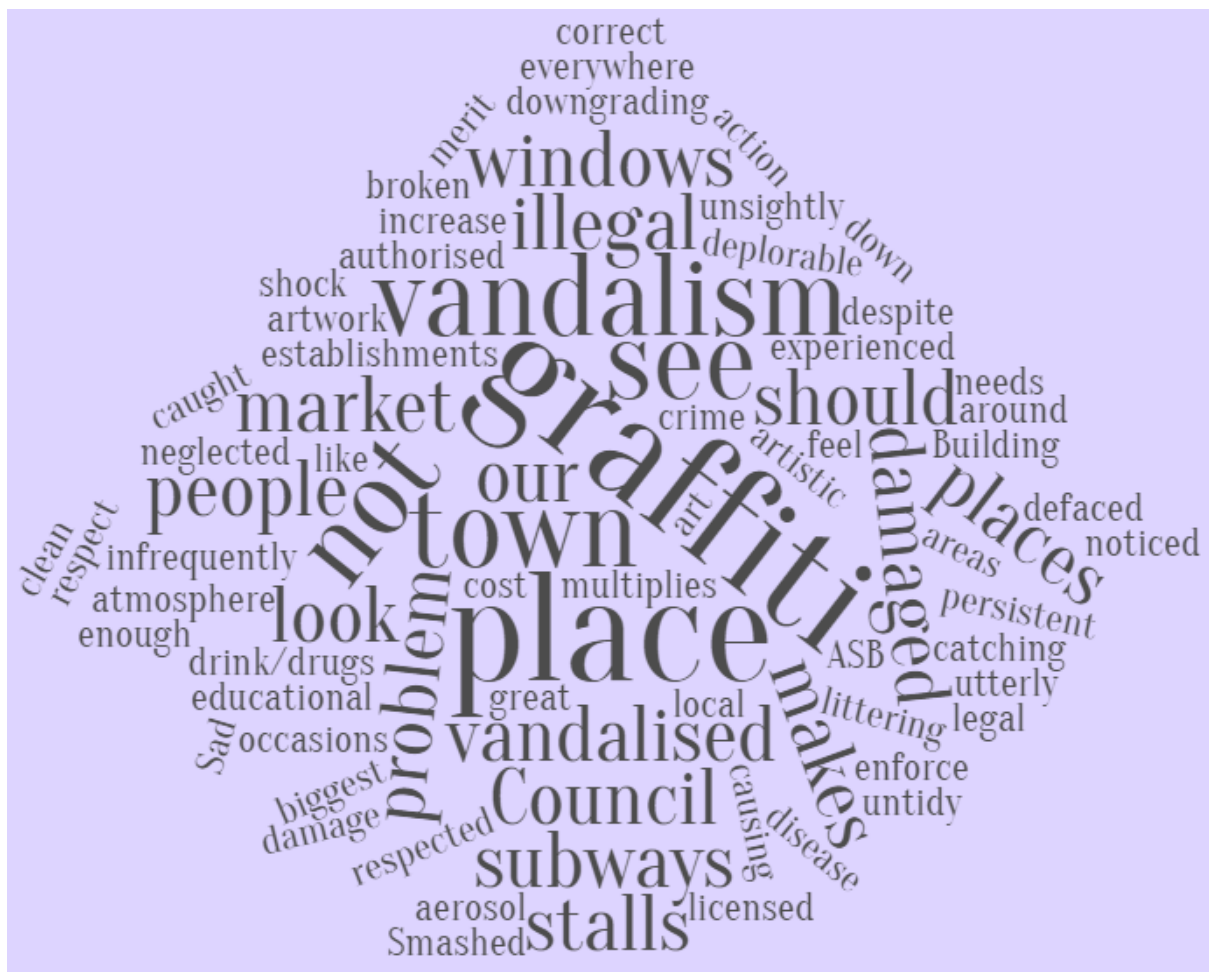
Comments to Q3) Do you feel that drug taking in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?

- I've answered yes to all 4 questions. What we need though is enforcement by Police, not PCSO's who can do little more than have a chat with offenders.
- I actually witnessed a "drug drop" late morning at the top of Bridge St. Shocking, and it's the same undesirables every time causing unease amongst town visitors and workers
- No one challenges them, where are the PCSOs?
- Not witnessed this but should be restrictions in place
- More policing or town wardens
- You need to take a better approach , police far too soft
- It is quite frightening around the Roebuck Centre where 'Strange' men are always hanging around and appearing unpredictable in their behaviour.
- Groups of more than three people seem to be able to do this most days. Uniformed Police walk or drive past without tackling the matter. Why?
- Frightening at times when they demand money and are arguing amongst themselves
- Again, it's intimidating.
- Yes people that I have spoken too will not visit Newcastle anymore because of this problem
- Again too slow and such laborious process
- Close down the Lyme Trust house, problem solved
- The same group of individuals are taking drugs outside and behind our offices on a weekly basis. Our landlord has had to arrange for the disposal of needles several times.
- We had to ring 999 three times on one day because of their behaviour
- Get the drug takers out of town, it's horrendous to see and very scary , the older and younger folk seem petrified by them , it isn't fair on the general public and shopkeepers
- People taking drugs and sitting in doorways is bringing our town down and putting off visitors
- Quite frankly it is sad to know people are doing this and struggling with this addiction. It makes the area rough and makes me feel like I want to move out of the area as I don't want my children exposed to this, or the drinking for that matter.
- All action needs to be taken to stamp out all unacceptable behaviour. I now never go to Newcastle
- More should be being done to help people rather than just penalising them.
- The council as well as looking at doing these proposals should also look at ways to actually help the people that are begging, homeless, drug takers. This whole 'ban' drug taking, begging in the town centre principle, doesn't solve the actual problem.

- ORME road needs more on foot patrols of police stinks of weed police need start knocking on doors surely they can smell the drugs in people's houses and gardens especially after 6 in the evening.
- They come from town to houses to get drugs but nothing is ever done
- Walked past McDonalds. High woman with no shoes, blood dripping down her face, screeching at people. In the day! Clamp down on this. Don't house them round here and keep the numbers away from the magistrates court
- Very scared walking under subways has people on drugs and drinking beer
- We recently walk past people obviously taking drugs and told 2 PCSO who were nearby
- Unfortunately, Newcastle Town no is too dangerous a place to walk round on your own. Reports of known drug offenders need acting upon the park off Keele Road and rear of properties in Bridge St are known examples.
- Justified indeed but will never be enforced. Current laws are ignored and so will any new initiatives.
- Can never go to the park without feeling unsafe. Can't sit in the garden because the park connects to our back gardens and they are always in there. Just 4 days ago they were in there chopping trees.
- York Place is a no go area because of this also the alley behind the Old Bulls Head and the subway from Morrisons
- I am appalled that this happens blatantly in public throughout the day.
- Feel very unsafe
- This is a problem that is growing and urgent action is required. I see daily issues within the town centre but realise a majority of the offences are not reported to the correct sources. I am guilty of this due to the daily issues. Any authority walking in the town during the day would definitely see several issues. If you talk to the market traders who are outside every day they would be able to update you with daily issues.
- Feel unsafe in Newcastle and the underpasses, more so at night
- Having the Stars centre in the town centre doesn't help the problem. Groups of people congregate in various spots around the town
- Zero tolerance
- I would like to see these restrictions in place for ALL other public places in Newcastle: e.g. 3 Parks, Lyme Valley, Brampton Park, The Butts, Bunny Hill
- This seems to have got worse over time especially with the homeless.
- I don't want to visit the town centre anymore and certainly not after 2pm
- Needs to be off the streets completely.
- The number of addicts in town is truly awful and makes me feel unsafe
- The proposed PSPO contains "Not to urinate / defecate in public view." I think it should state "Not to urinate or defecate in the town centre and QE Park."

- Whilst we have to recognise there is a wider problem I think the rehabilitation houses and support houses need to take more ownership in where these people go in the day as they put off people going into the town
- There is a gap between the two areas that presents an opportunity for drug related contacts and allows members of problem groups to re-form very close to the town centre. This gap could be closed up by adjustment of the boundary to Order No1 as follows 1 The unnamed alleyway between Stanier Street and Silverdale Rd adjacent to PALICK LT should be included in the area covered by No1. 2 If the rest of the precinct covering the stretch from the unnamed alleyway to the roundabout at the end of Stanier Street were all included then No1 and no2 orders would be joined together. And it there would be no gap between No1 and No2.
- i no longer visit the town so I don't know

Comments to Q4) Do you feel that vandalism (including defacement by aerosols) in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?



- If it is authorised then it should be done by licensed professionals or educational establishments.
- I feel that graffiti is only tackled in the subways nearest to the town.
- Make them clean every single bit of vandalism.
- Please enforce them
- A problem but not the biggest compared to drink/drugs related ASB
- Sad to see
- Yes everywhere you go you can see graffiti and places are being vandalised
- When graffiti art is done properly and in the correct place it can add to the atmosphere around the town.
- Vandalism shows that places are neglected and crime will increase.
- Smashed windows are catching, like a disease. If people see our town is not treated with respect, the problem multiplies
- Makes the place look untidy!
- Just take action
- I haven't noticed it.
- Saw the subway artwork defaced. Which is probably something you can't stop
- All this vandalism had to be paid for out of our council tax. If those causing the damage are caught should be made to pay.
- It is unsightly and despite what the people think illegal

- Should not be allowed. The local authorities should move people on to a shelter.
- Seen a big increase this year in unsociable behaviour in the town
- This is a major problem not nice when walking to and from work I think this also comes along side of alcohol and drugs.
- Particularly in the tunnels beside the Town Centre.
- They are killing the town!
- Some days worse than others
- It needs enforcement
- You need to make people more aware, of just how much help these vagrants get. Giving in to their begging habits just makes the problem worse.
- Has put us of visiting the town very often
- This is a real issue in the town. Beggars can be quite threatening
- This started ages ago with just one and now there are regularly half a dozen. People should not be allowed to beg or to give money.
- Others towns sort the problem, why can't we. Offer help then prosecute/ban persistent offenders.
- Tackle the hotpots, reform Lyme Trust.
- It does stop people feeling that the town is a safe place.
- It makes walking around the town centre very off putting and makes me feel unsafe
- These "beggars" are organised and coordinated.
- Traders on the market are fed up and leaving. In a difficult time for recruitment, we really do not need additional pressures.
- I have lived in Newcastle-under-Lyme for 34 years & have never seen so many beggars.
- Very few are rough sleepers they are just drunks and drug users begging and being very antisocial!
- Makes people afraid of visiting the town centre.
- Why don't they get moved from outside the banks!
- Whatever the restrictions are they seem to be failing miserably.
- Why do you think you don't get the footfall in the centre, would you want to see drunks and homeless people begging/ harassing people and druggies abusing and even threatening people for money?
- A lot of elderly people find them intimidating and hate the mess left behind and being asked "can you spare any change"
- Having to step over people who are asleep near to Barclays Bank is a regular occurrence and very frightening when you are an OAP.
- Again the beggars are intimidating. The rough sleepers leave mess, it's unhygienic and unsightly. It makes the town centre a place to avoid.
- As before people are too scared to shop in Newcastle now because of this - Barclays Bank area is disgusting

- New Town enforcers have had a good impact but they don't cover enough hours of the day. And support is not always available during the day if needed.
- 99% of those 'homeless' people in town are in no way homeless and just empty out of the Lyme Trust house in the morning to cause mayhem in the town.
- Again this seemed to have increased especially on Castle Walks
- People sleeping rough or begging put People off coming into the town
- Nobody deserves to not have a home!
- Take action
- Again, punishment doesn't solve any problems.
- Council Need to do more to help people that are homeless, simply banning them from the town centre kind of approach will just move them on to a different area, parks, residential areas.
- Rough sleepers drug users and alcoholics gather in town by roebuck and outside the Co-op bank
- Make it feel unsafe to go town
- Barclays cashpoint smells of wee, homeless are intimidating. I don't feel safe
- Very intimidating especially when they start swearing at you
- Most begging is from drug takers not homeless who want the money to buy drugs abusive if anyone offers food or drink
- They are justified if the regulations are enforced with help and support and only via police action where necessary.
- Charity workers "chuggers" are very unwelcome
- More should be done to help the homeless, not just move them on
- Very intimidating and off-putting to residents wanting to visit the town centre.
- Again Newcastle feels very unsafe. I would not go into town past 6pm alone. Not much police presence either
- Majority are professional beggars and only interested in money. They have been invited in the past to come to foodbank but not interested. They also target old or vulnerable people
- Aldi in the town centre always has someone begging
- Rough sleepers need more support to find a fixed address which would stop them congregating in the town centre. Asking them to move on just places them in a different location and doesn't really solve the issue. They gather in groups to remain safe, not to intimidate.
- This is one of major reasons not to visit town centre.
- It's awful seeing homeless people
- This is one of the major issues within Newcastle currently. Talking to some of these people they say that they like Newcastle because they don't get moved on and it has everything they need.
- Puts people off visiting

- Is there not an agency that can support these people?
- There appears to be more people rough sleeping and have noticed that it has spread into Lyme Valley. These people can be quite intimidating
- This is out of control. The town centre is horrible now. I'm too scared to go past alleyways, into St Giles churchyard or even the town centre supermarkets on my own
- Needs to stop completely.
- There should be a zero tolerance on all these anti-social behaviours
- Sooner the better
- Need to clearly define 'Begging'. For example does this include anyone who decides to say they are busking and at what point can a beggar say they are busking. Potential loophole.
- Different approaches are needed between those in genuine need of support, shelter and assistance and others who choose live and act this way
- In the town centre, there are a very small number of homeless people, who should be checked more regularly for health and housing support as they persistently live in shop entrances.
- Begging on the streets should not be necessary. If there are restrictions, will the people go elsewhere?

Comments to Q6) Do you feel that anti-social behaviour in and around Newcastle Town Centre and Queen Elizabeth Park is having a detrimental effect on people's quality of life, is persistent in nature, is unreasonable and that the proposed restrictions are justified?



- As before puts people off visiting town centre
- Definitely. Newcastle no longer feels a safe and enjoyable town to visit - even during the day.
- Yes
- Yes
- More town centre wardens or policing
- You need to be more forceful
- Yes
- Yes
- Yes but the mental health issues some of these people have needs to be addressed.
- Yes
- yes
- Yes
- Yes as something needs to be done as people are not visiting anymore and shops are shutting in Newcastle due to lack of business because of this, making Newcastle turn into a ghost town
- No because no one takes any notice of anyone or anything I've seen incidents in the town centre and police have just passed

- Yes
- Definitely
- Yes it is okay to introduce these ideas yet in reality the chances of them being enforced is very slim, and those creating the disorder know this and/ or simply do not care. One of the reasons for this is the complete lack of police officers in the area. PCSOs are no deterrent to criminals nor is a police officer sitting in a patrol car, boots on the ground and required and actual strong and persistent enforcement.
- Yes
- Yes, i live next to the queen Elizabeth Park and don't feel safe walking through it anymore it's full of people taking drugs or sleeping there. Town centre is a nightmare for homeless high on drugs and drinking being abusive all of the time
- Yes I am scared for my safety in my own home
- Yes and need implementing before any developments take place.
- Yes. Should have been sorted out long ago. It's why Newcastle is dying.
- Whatever the approach, it needs to be consistent and proactive. The main issue currently is that all actions are reactive - this will never solve the problem.
- Yes.
- Yes
- Yes and this requires extension to other local areas
- Yes
- Yes, they are justified but the question I ask is will they be enforced? There are already orders on places about drinking in public places but they are completely ignored because people know that there will not be any consequences
- Yes
- Yes definitely
- Yes
- Yes
- Yes - it should have been taken before nor
- No, it's the wrong way of tackling the situation.
- Yes but I just think the council need to do more to actually help people that do it. The proposals just move the people out of the town centre.
- Yes, I'm using the subways, homeless people are intimidating and I can't draw my own money out due to the wee smell. I'm soon to boycott town. Went there yesterday and there was a police cordon as someone was glassed with a bottle. 2 steps up the road homeless men, sores all over their legs, drunk, carrying cans. Utter disgrace
- Yes

- Yes
- Yes
- They need to be cleared out of town completely it isn't safe any more
- Yes
- Needs more presence of authority. Very rarely see any police in town centre let alone anywhere else.
- Newcastle is beginning to be a place I don't want to visit. Very wary if I am in town
- Yes
- Yes
- Definitely justified and probably need more - the subways are no go areas as well. I am a 60 year old widow and have lived and worked in Newcastle for 25 years and now dare not walk to work and back as I do not feel safe. My offices are in North Street and there are drunks/drug users wandering round on a weekly basis. Rough sleepers do not improve the look of the town, It is not nice place to visit anymore unfortunately and the decline is shocking to see.
- Yes. If these people were not about we could spend more time in town using the cafes etc.
- I don't think they are unjustifiable. I feel enforcements needs to include help and support for the homeless and people with drug and alcohol problems. I also think that the area at the back of the Barracks and Garden Street should be included because we are now having problems with people dealing and using drugs and alcohol in this area since some have been moved out of the town. Some residents have also been threatened when trying to tackle them, but got no police or council support to stop it.
- Yes
- Yes, the amount of times during work we see people clearly under the influence walking past when customers are sitting outside and trying enjoy themselves with people staggering around or shouting and arguing from either end of the street. It's getting worse, more often and even more people doing it as well, seems like Newcastle is a central hub for drug users and homeless people now.
- They are both reasonable and proportionate but you need the people to enforce it
- Yes
- Absolutely. We need to create a safe, busy market town that we are proud of once again.
- More than justified people should feel safe in the town and gardens without being threatened by druggies and thugs
- Yes. Most certainly agree
- These need to be in place in Chesterton & Crackley Bank too. The drunks, druggies, black puffa coat gangs, boy racers, I could go on

- Yes. Rough sleepers in particular.
- Yes
- Yes. As long as they are done with full support and funding
- Yes
- Yes more needs to be done
- Yes as Newcastle town is becoming not a nice place to have a walk around with young kids as of lately
- Yes. I want to feel safe to visit the town and walk around safely to enhance my quality of life
- Totally justifiable but must be enforced to tempt me and my family to venture into Newcastle again.
- Yes
- Completely justified. Something needs to be done sooner rather than later as my mum and neighbours are unable to sleep due to worry - we are ongoing with the police with evidence from my neighbours car getting broke into, the fence panels have been broken on castle keep court from them entering the grounds.
- Orders are justifiable but they will find a way around them as with the current alcohol bylaw now.
- Importantly who will enforce them as there is a shocking absence of police in town which should have increased with the North Staffs Magistrate court now here. The town is a magnet for those who have 'got off light ' to come and celebrate!!!
- Yes I do
- Yes
- The measures are essential to help return Newcastle town centre to a safe and respectable place to work or shop.
- Yes
- yes
- Yes
- Yes
- Yes.
- Definitely justifiable but proposal will not be a deterrent I fear.
- Hopefully. Also include The Marsh & The Brampton
- Yes
- Think you should do more
- Yes. Gives a way to try and combat the issues caused by groups of people
- Yes
- Yes, could actually do with being more severe
- Yes. We want an attractive town centre not where people arrive and the first thing seen is anti-social behaviour

- I have observed the security patrols they are ineffective as all they do is move the troublemakers from 1 spot to another.
- Definitely and feel they need to be more wide spread. As the perpetrators just go elsewhere.
- Yes absolutely
- Yes.
- Yes, the offenders detract from having Newcastle as a safe, friendly and prosperous town.
- Yes
- Yes.
- It's a positive move. I await to see if it is enforced. How very different Eccleshall is to Newcastle - safe, welcoming and because of that, it's where I chose to spend my money.
- Absolutely in all respects
- Yes
- Not to urinate / defecate in public view. should be revised to " Not to urinate/defecate on public property"
- Yes, but it alone will not resolve the issues. Most laws are useless unless they are policed and enforced take dog fouling for example; you can increase fines but it is still prolific consider how few dog owners have been prosecuted in the past 5 years? With regards to the Legal PSPO Orders will this include Littering?
- Yes
- Yes
- Yes
- Yes. But the two Draft PSPO areas have a gap. There is a gap between the two areas that presents an opportunity for drug related contacts and allows members of problem groups to re-form very close to the town centre. This gap could be closed up by adjustment of the boundary to Order No1 as follows 1 The unnamed alleyway between Stanier Street and Silverdale Rd adjacent to PALICK LT should be included in the area covered by No1. 2 If the rest of the precinct covering the stretch from the unnamed alleyway to the roundabout at the end of Stanier Street were all included then No1 and no2 orders would be joined together. and it There would be no gap between No1 and No2.
- There is never a justification for anti-social behaviour, but there is a fine line to be drawn between different kinds of behaviours



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
18 October 2022**

Report Title: Update on results of Taxi Licensing Appeals

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To update Members on the results of all Taxi Licensing Appeals that have been considered since the previous meeting.

Recommendation

That Members note the contents of the report

Reasons

To inform Members of the results of appeals made to the Court following decisions made by the licensing authority.

1. **Background**

- 1.1 Following any Council decision to suspend, revoke, refuse to grant or refuse to renew a taxi driver, vehicle or operator licence there is the statutory right of appeal. For nearly all matters, the right of appeal is to the Magistrates' Court in the first instance and then an opportunity for an onward appeal to be made to the Crown Court. In limited instances, particularly the refusal to grant a new hackney carriage vehicle licence, the right of appeal is straight to the Crown Court.
- 1.2 Upon receipt of any appeal the Council seeks to defend its position. If successful we apply to the Court for the full costs incurred defending the appeal.

2. **Issues**

- 2.1 Since 28th June 2022 the Council has been involved in 3 Magistrates' Court appeals. The first two related to a refusal to renew a driver and vehicle licence in respect of the same applicant, on the grounds of dangerous driving and breaches of policy requirements. Those appeals were dismissed and the council was awarded £2422 in costs across both of these appeals. The third was in relation to a refusal of a separate applicant's driver licence application on the grounds of their conduct towards officers and disputed allegations. This appeal was also dismissed and the council was awarded £1000 in costs. All three magistrates' court decisions have, however, been appealed to the crown court.
- 2.2 There was one further Magistrates' Court appeal due to be heard in July which was adjourned and one Crown Court appeal that had to be relisted. At the time of the report being drafted there are a further 4 Magistrates' Court appeals and 6 Crown Court appeals that have been submitted, including those adjourned and relisted.

3. **Proposal**

3.1 The Members note the contents of the report

4. **Reasons for Proposed Solution**

4.1 The purpose of the report is to bring Members up to date on recent taxi licensing appeals

5. **Options Considered**

5.1 No other options have been considered

6. **Legal and Statutory Implications**

6.1 Set out in the body of the report.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 To defend licensing appeals there is a large resource implication on officers acting as witnesses or assisting with the casework. The successful party can apply to the Court for the full costs incurred in relation to the appeal, however the discretion lies with the Magistrates or Judge as to what proportion is awarded. In the event that the appeal is upheld then the starting point is that costs will not be awarded against the Council unless the Court finds that the decision taken was unreasonable, irrational or wrong.

9. **Major Risks**

9.1 N/A

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 Various notices from Sub-Committee and Officer Decisions to suspend, revoke or refuse to renew licences.

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Public Protection Sub-Committee - 10/08/22

After careful consideration of information from the council's Licensing Officer and representations from the applicant, the Sub-Committee agreed as follows:

Resolved: that the application for a Dual Hackney Carriage and Private Hire Driver's licence be granted subject to successful completion of the Newcastle under Lyme Borough Council Taxi Knowledge Test.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 3

The Sub-Committee considered a new application for a Dual Hackney Carriage and Private Hire Driver's Licence.

After careful consideration of information from the council's Licensing Officer and representations from the applicant and their representative, the Sub-Committee agreed as follows:

Resolved: that the application be deferred for further consideration at a future meeting.

(**Note:** Councillor S White left the meeting at this point and did not return).

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 4

The Sub-Committee considered an application for a Dual Hackney Carriage and Private Hire Driver's licence. The application was before the Sub-Committee as the application process had revealed matters that fell outside the council's Licensing Policy.

After careful consideration of information from the council's Licensing Officer and representations from the applicant, the Sub-Committee agreed as follows:

Resolved: that the application for a Dual Hackney Carriage and Private Hire Driver's licence be granted subject to:

- (a) A final warning to the driver as to future conduct; and
- (b) Successful completion of the Newcastle under Lyme Borough Council Taxi Knowledge Test.

8. URGENT BUSINESS

There was no urgent business.

**Councillor Andrew Parker
Chair**

Meeting concluded at 5.35 pm