

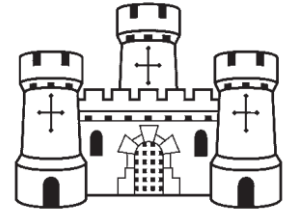
# Public Document Pack

**Date of meeting** Tuesday, 29th October, 2024

**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

#### LICENSING COMMITTEE

**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 FEES & CHARGES FOR VENUE LICENSING 2025-26 (Pages 9 - 14)**

**5 GAMBLING ACT 2005 - REVIEW OF STATEMENT OF LICENSING PRINCIPLES (Pages 15 - 58)**

**6 MINUTES OF LICENSING SUB COMMITTEE MEETINGS (Pages 59 - 62)**

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

#### PUBLIC PROTECTION COMMITTEE

**7 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

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

- |    |  |                   |
|----|--|-------------------|
| 8  | <b>PUBLIC SPACE PROTECTION ORDER - CAR CRUISING CONSULTATION RESULTS</b> | (Pages 63 - 90)   |
| 9  | <b>PRIVATE HIRE &amp; HACKNEY CARRIAGE FEES &amp; CHARGES 2025/2026</b>  | (Pages 91 - 98)   |
| 10 | <b>TAXI AND PRIVATE HIRE LICENSING POLICY 2025-2030</b>                  | (Pages 99 - 198)  |
| 11 | <b>MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS</b>               | (Pages 199 - 200) |

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

## **PART 2 - CLOSED AGENDA**

### **12 DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

### **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 Whieldon (Chair), Johnson (Vice-Chair), Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams, Whitmore 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 Panter Parker J Tagg J Waring Burnett-Faulkner	Brockie Fox-Hewitt D Jones Richards Stubbs Lewis
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***If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf***

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

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# Agenda Item 3

*Licensing & Public Protection Committee - 17/09/24*

## LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 17th September, 2024  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Joan Whieldon (Chair)

Councillors:	Barker MBE	Adcock	G Williams
	Heesom	Dymond	Brown
	Skelding	J Williams	

Apologies: Councillor(s) Johnson, Sweeney, Wright, Allport and Whitmore

Substitutes: Councillor David Hutchison (In place of Councillor Trevor Johnson)  
Councillor Andrew Parker (In place of Councillor Stephen Sweeney)

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Civic & Member Support Officer

### 1. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

### 2. **MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the Minutes of the meeting held on 30 July, 2024 be agreed as a correct record.

### 3. **DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

### 4. **GUIDANCE ON SUITABILITY - CONSULTATION**

Consideration was given to a report regarding a consultation into the Suitability Guidance for taxi and private hire licensing by the Institute of Licensing. The consultation opened on 10<sup>th</sup> July and would end on 30<sup>th</sup> September.

Members' attention was drawn to Appendix B – the Officers' proposed response to the consultation.

## **Licensing & Public Protection Committee - 17/09/24**

The Chair stated that it was important when infringements of minor offences were mentioned that the definitions were clear and asked if a glossary of terms and definitions with the report.

The Licensing Administration Team Manager referred to chapter 4 which differentiated between minor and major motoring offences.

The Chair referred to the appendix 'Guidance on Recording Decisions, Reasons and NR3S Criteria' stating that it was a helpful document for anyone making such decisions.

- Resolved:**
- (i) That the contents of the report be noted; and
  - (ii) That the officer proposed consultation response be sent to Government prior to the closing date.

[Watch the debate here](#)

### **5. TAXI APPEALS UPDATE**

The Licensing Administration Team Manager updated members on the recent taxi licensing appeals.

Members commented and officers responded as follows.

Councillor Gill Williams asked a question regarding paragraph 2.2. Could the driver who no longer held a licence in Newcastle still operate within the Borough?

The Licensing Administration Team Manager stated that, unfortunately he could because drivers were not limited to the area that they worked in and could cross borders. This was the reason why the NR3S was brought in so that, if a decision had been taken to refuse or revoke a licence every local authority was duty bound to check the register before issuing a licence.

Councillor Parker congratulated officers on the costs of £3,316 being awarded to the Council.

- Resolved:** That the contents of the report be noted.

[Watch the debate here](#)

### **6. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

### **7. URGENT BUSINESS**

There was no urgent business.

***Licensing & Public Protection Committee - 17/09/24***

**Councillor Joan Whieldon  
Chair**

Meeting concluded at 7.27 pm

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### CORPORATE LEADERSHIPS TEAM'S REPORT TO

#### Licensing and Public Protection Committee 29 October 2024

**Report Title:** FEES TO BE CHARGED FOR THE LICENSING OF SCRAP METAL DEALERS, GAMBLING, SEXUAL ENTERTAINMENT VENUE LICENSING 2025-26

**Submitted by:** Service Director - Regulatory Services & Licensing Administration Team Manager

**Portfolios:** Finance, Town Centres & Growth

**Ward(s) affected:** ALL

#### **Purpose of the Report**

For Members to consider the fees to be charged in relation to the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues.

#### **Recommendation**

That Committee agree the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2025-26

#### **Reasons**

Decisions relating to the setting of non-statutory fees and charges for licensing have been delegated from Council to Licensing Committee.

### 1. **Background**

1.1 The approval of certain fees and charges relating to the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues (SEVs) licensing regimes are Council functions.

1.2 Council at their meeting on 22nd February 2017 delegated this function to Licensing Committee.

#### **Gambling:**

1.3 The Gambling Act 2005 allows Licensing Authorities to set their own fees for premises licenses, subject to maximum levels which have been specified by Central Government.

1.4 The Councils Gambling Policy was implemented in January 2022, following approval from the Licensing Committee and Council.

#### **Sexual Entertainment Venues:**

1.5 The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') introduced a licensing regime to control sex establishments. The Council adopted schedule 3 of the Act on the 31st March 2010 and the schedule took effect on the 3rd August 2010. This means the Council can control and regulate the operation of certain kinds of sex establishments within its area. No sex establishment can operate unless it has obtained a

licence from the Council. Any licence may contain conditions that will restrict how that sex establishment may trade.

- 1.6 The setting of fees for the licensing of sex establishment remains with the Local Authority. The licence is for a one year period. We do not currently have any Sex Establishment Venues.

**Scrap Metal Dealers:**

- 1.7 The Scrap Metal Dealers Act 2013 ('the SMDA13') introduced a licensing regime to control Scrap Metal Dealers, replacing the registration scheme used previously. The SMDA13 allows Licensing Authorities to set their own fees for both Site and Collectors licences.

2. **Issues**

- 2.1 The European Services Directive states (Art 12.2):

*“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”*

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme.

Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

- 2.2 Guidance for Local Authorities on the Provision of Service Regulations States (2nd Edition June 2009 Para 12d):

*“Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should the service provider feel that the level of fees are being used as an economic deterrent or to raise funds for local authorities Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.”*

3. **Proposal**

- 3.1 That Committee agree the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venue Licensing. All proposed license fees and charges are detailed in table below:

<b><u>Licences:</u></b>	<b><u>2024-25</u></b> <b><u>Fee</u></b>	<b><u>2025-26</u></b> <b><u>Proposed</u></b> <b><u>Fee</u></b>	<b><u>Difference</u></b>
<b>General</b>			
Sex establishments - application fee	3,665.00	3,812.00	4%
Sex establishments - renewal	3,665.00	3,812.00	4%
Sex establishments - variation	1,241.00	1,291.00	4%
Sex establishments – transfer	1,241.00	1,291.00	4%

<b>General</b>			
Scrap metal dealer site licence	313.00	326.00	4%
Scrap metal dealer collectors licence	248.00	258.00	4%
<b>Gambling Act 2005</b>			
Lotteries - application fee	40.00	40.00	All Frozen or Set by Statute unless stated otherwise
Lotteries - annual fee	20.00	20.00	
Bingo - application fee	3,500.00	3,500.00	
Bingo - annual fee	1,000.00	1,000.00	
Bingo - application to vary	1,750.00	1,750.00	
Bingo – application for transfer	1,200.00	1,200.00	
Bingo – application to reinstate	1,200.00	1,200.00	
Track betting - application fee	2,500.00	2,500.00	
Track betting - annual fee	1,000.00	1,000.00	
Track betting - application to vary	1,250.00	1,250.00	
Track betting - application to transfer	950.00	950.00	
Track betting – application to reinstate	950.00	950.00	
Betting premises - application fee	3,000.00	3,000.00	
Betting premises - annual fee	600.00	600.00	
Betting premises - application to vary	1,500.00	1,500.00	
Betting premises - application to transfer	1,200.00	1,200.00	
Betting premises – application to reinstate	1,200.00	1,200.00	
Family entertainment centre - application fee	2,000.00	2,000.00	
Family entertainment centre - annual fee	750.00	750.00	
Family entertainment centre - application to vary	1,000.00	1,000.00	
Family entertainment centre - application to transfer	950.00	950.00	
Family entertainment centre – application to reinstate	950.00	950.00	
Adult gaming centre - application fee	2,000.00	2,000.00	
Adult gaming centre - annual fee	1,000.00	1,000.00	
Adult gaming centre - application to vary	1,000.00	1,000.00	
Adult gaming centre - application to transfer	1,200.00	1,200.00	
Adult gaming centre – application to reinstate	1,200.00	1,200.00	
Copy of any of the above licences (lost, stolen, damaged)	25.00	25.00	
NEW – Change of Circumstance Fee (change of name, address etc)	N/A	50.00	
Notice of Intention – 2 or less gaming machines	50.00	50.00	
Licensed Premises Gaming Machine Permits – more than 2 machines	150.00	150.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Variation	100.00	100.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Transfer	25.00	25.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Annual Fee	50.00	50.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Change of Name	25.00	25.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Copy (lost, stolen, damaged)	15.00	15.00	

Club Gaming/Club Machine Permits – New/Renew	200.00	200.00	
Club Gaming/Club Machine Permits for holders of Club Premises Certificates (under LA03) – New/Renew	100.00	100.00	
Club Gaming/Club Machine Permit – Annual Fee	50.00	50.00	
Club Gaming/Club Machine Permit – Variation	100.00	100.00	
Club Gaming/Club Machine Permit – Copy (lost, stolen, damaged)	15.00	15.00	
UFEC (Unlicensed family entertainment Centre – 10 year permit)	300.00	300.00	
Prize Gaming Permit – New/Renewal	300.00	300.00	
Prize Gaming Permit – Change of Name	25.00	25.00	
Prize Gaming Permit – Copy (lost, stolen, damaged)	15.00	15.00	
Temporary Use Notice (TUN)	200.00	200.00	
Occasional Use Notice (OUN)	0.00	0.00	
Casino Small – New application	7,952.00	8,270.00	4%
Casino Small – Annual Fee	3,976.00	4,135.00	4%
Casino Small - Variation	2,650.00	2,756.00	4%
Casino Small – Application for Transfer	1,705.00	1,773.00	4%
Casino Small – application to reinstate	1,705.00	1,773.00	4%

#### 4. Reasons for Proposed Solution

4.1 The locally set fees can be used to cover the cost of the following:

**Administration** – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

**Initial visit/s** – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include ‘on-costs’ in this calculation. Councils will need to consider whether ‘on-costs’ include travel costs and management time.

**Third party costs** – Some licensing processes will require third party input from experts.

**Liaison with interested parties** – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

**Management costs** – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the ‘on-costs’ attached to officer time referenced below.

**Local democracy costs** – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.



**On costs** – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

**Development, determination and production of licensing policies** – The cost of consultation and publishing policies can be fully recovered.

**Web material** – The EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.

**Advice and guidance** – This includes advice in person, production of leaflets or promotional tools, and online advice.

**Setting and reviewing fees** – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

## 5. Options Considered

5.1 The Council has a duty to set fees for certain regimes where the amount is not set by statute. The SEV and Scrap Metal licensing regimes, alongside part of the Gambling Act, have such fees that can be set locally. All fees set must be proportionate and seek only to recover those areas set out in statute that we may recover. If the Council chose not to set fees then the applications made under these regimes would be subsidised by tax payer funds. This option has not been considered as it is felt that applicants for licences should be able to meet the costs of any application once they have been issued with the appropriate permission.

## 6. Legal and Statutory Implications

### 6.1 Hemming v Westminster

The degree to which fees and processes are proportionate has been tested in a legal challenge brought against the fee charged by Westminster City Council for licensing sex establishments. The case established a number of key points about setting fees under the Services Directive.

In *Hemming v Westminster*, the Court of Appeal ruled that the fees set must not exceed the costs of administering the licensing regime. This means the council was no longer able to include the cost of enforcement against unlicensed sex establishment operators when setting the licence fee, although the cost of visits to licensed premises to monitor compliance could be recovered through fees.

The judgement found that the annual reviews conducted by an officer of Westminster City Council were no substitute for determinations by the council. The judge rejected the council's submission that the fee had been fixed on an open-ended basis in 2004 so that the fee rolled over from one year to the next. Westminster City Council was consequently ordered to repay fees charged over that period.

Annual reviews allow for the fine tuning of fees and allow councils to take steps to avoid either a surplus or deficit in future years. This will not immediately benefit licence holders where the licence has been granted for a number of years and paid for in a lump sum, but will ensure new entrants to the licensing scheme are charged appropriately.

Where fees charged result in a surplus, *Hemming v Westminster* stated that this surplus must be used to reduce the fees charged in the following year. It is possible to extend

the reinvestment of the surplus over more than one year, but this will need careful consideration about whether contributors may leave the licensing system over that period and therefore lose out on the return. Deficits can similarly be recovered, although where there is a significant deficit, councils may want to consider how recovery can be undertaken over more than one year so as not to financially harm otherwise viable businesses.

The case of R v Tower Hamlets LBC (1994) is also relevant, as the High Court indicated that “a council has a duty to administer its funds so as to protect the interests of what is now the body of council tax payers”.

## 7. **Equality Impact Assessment**

7.1 Not applicable

## 8. **Financial and Resource Implications**

8.1 Should a challenge be made in relation to the fee level as detailed in the Hemming v Westminster there could be detrimental financial implications for the Council

## 9. **Major Risks**

9.1 As detailed under Legal and Statutory Implications

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

10.1

8 DECENT WORK AND  
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION  
AND INFRASTRUCTURE



## 11. **Key Decision Information**

11.1 Not applicable

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 The Council adopted schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 on 31<sup>st</sup> March 2010 which came into effect on 3<sup>rd</sup> August 2011.

12.2 Council delegated the function of setting fees and charges to Licensing Committee on 22<sup>nd</sup> February 2017.

## 13. **List of Appendices**

13.1 None

## 14. **Background Papers**

14.1 LGA Guidance on Local Fee Setting

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**29 October 2024**

**Report Title:**           **Gambling Act 2005 – Review of Statement of Licensing Principles (Gambling Policy)**

**Submitted by:**       Service Director – Regulatory Services/Licensing Administration Team Manager

**Portfolios:**           Finance, Town Centre & Growth

**Ward(s) affected:**   All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To consider the representations received in relation to the consultation on the draft Gambling Policy and to agree upon a final version of the draft policy for submission to Full Council on 20 <sup>th</sup> November 2024.	
<b><u>Recommendation</u></b>	
That Committee:	
<ol style="list-style-type: none"> <li>1. That the Committee consider the responses received to the consultation exercise.</li> <li>2. That the updated Policy be presented for approval to Full Council at its meeting on 20<sup>th</sup> November 2024.</li> </ol>	
<b><u>Reasons</u></b>	
Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy every 3 years.	

**1.   Background**

**1.1**   At the meeting held on 30<sup>th</sup> July 2024 the Committee determined to approve a 6 week consultation period for the Council's draft Gambling Policy.

**1.2**   The Council have consulted with:

- The Gambling Commission;
- Staffordshire Police;
- Staffordshire County Council;
- Neighbouring Local Authorities;
- Representatives of local businesses ;
- Local residents and their representatives;
- Town and Parish Councils in the Borough;

- Local Members of Parliament;
- National bodies representing the gambling trade;
- National charities concerned with the social impact of gambling;
- Representatives of existing licence holders;
- Newcastle Partnership;
- Department of Regeneration and Planning Services, Newcastle Borough Council;
- Staffordshire County Council Trading Standards;
- Aspire Housing; and
- Members of the Public (via the website and printed copies at Council Offices)

**1.3** The consultation period ended on 19th September 2024 and the Council received responses from:

- GamCare Charity, attached as **Appendix A**;
- The Lotteries Council, attached as **Appendix B**; and
- The Betting and Gaming Council, attached as **Appendix C**.

**1.4** The consultation response from GamCare welcomed the Council's position statement in relation to mandatory and default conditions for premises licensed under the Gambling Act 2005 (GA05), suggest that they would like the Council to commit to taking a public health approach to gambling (with suggestions as to how to that may be achieved), that the Council should pursue a Local Area Profile and the policy should be reviewed against legislative reviews and white papers in the sector.

**1.5** The consultation response from the Lotteries Council did not offer any comment.

**1.6** The consultation response from the Betting and Gaming Council provides a summary of the sector within the UK, an overview of legislative and white paper recommendations that have either recently been implemented or are due to come into force in the near future, the differences between Licensing Act 2003 (LA03) and GA05 applications and then offers a number of specific suggestions to include/remove from the proposed GA05 policy document, including:

- Para 2.2 being amended to avoid any confusion between the LA03 and GA05 regimes. This is accepted by officers and has been amended within the proposed policy document;
- Para 4.8 should be redrafted to remove matters that they suggest are not able to be considered when making risk assessments under GA05. This is not accepted by officers as it is our view that it is reasonable for applicants operating, or wishing to operate, within the area should be aware of local issues that may present risk and seek to address those. This section has not been amended within the proposed policy document;
- Paras 16.12 to 16.14 should have an additional statement inserted to confirm that the mandatory and default conditions are usually sufficient to ensure consistency with the licensing objectives, and additional conditions will only be considered where there is clear evidence for doing so. This is

accepted by officers and has been amended within the proposed policy document; and

- Para 16.13 should be redrafted to remove a sentence that states “*The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively*” as it is more suitable for LA03 applications than GA05 applications, and there is a suggestion that matters contained within a risk assessment may be imposed as licence conditions. This is accepted by officers and has been amended within the proposed policy document.

- 1.7** Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy every 3 years. It must be published by the 3rd January 2025 and in force by 31st January 2025 to ensure there is a 28 day period between publication and implementation. A copy of the proposed Policy following consultation is attached as **Appendix D**.

## **2. Issues**

- 2.1** It is suggested that the updated draft policy be sent to Full Council on 20<sup>th</sup> November 2024 for approval, and subsequent implementation in January 2025 in line with the timetable at 3.2 of the report.
- 2.2** As described in section 1.6 above, the proposed policy document has been amended in three paragraphs following consideration of the consultation responses received.

## **3. Recommendation**

- 3.1** The Council have a statutory duty to consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005. It is requested that Members agree that the Policy detailed in Appendix D may be sent to Full Council for approval, and subsequent implementation, in line with the table below:

### **3.2 Timetable**

29 <sup>th</sup> October 2024	Meeting of Licensing Committee to discuss response to the consultation and amend Policy as required. Approval is given to send to Full Council for agreement
20 <sup>th</sup> November 2024	Proposed Policy to be considered by Full Council
December 2024 (or in any case before 3 <sup>rd</sup> January 2025)	Publish the Policy
January 2025 (before 31 <sup>st</sup> )	Implement the new Policy

## **4. Reasons**

- 4.1** To receive the report
- 4.2** To approve the draft Gambling Policy for Newcastle-under-Lyme.

4.3 That the updated Policy be presented for approval to Full Council at its meeting on 20<sup>th</sup> November 2024 in order that the Policy is published prior to 3<sup>rd</sup> January 2025.

## 5. Options Considered

5.1 No alternative options considered as the Council has a statutory duty to consult on and publish a new Statement of Licensing Policy every 3 years.

## 6. Legal and Statutory Implications

6.1 The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005.

## 7. Equality Impact Assessment

7.1 None carried out.

## 8. Financial and Resource Implications

8.1 There are no financial or resource implications identified from the proposed policy document.

## 9. Major Risks & Mitigation

9.1 None identified.

## 10. UN Sustainable Development Goals (UNSDG)

10.1



## 11. Key Decision Information

11.1 Not applicable

## 12. Earlier Cabinet/Committee Resolutions

12.1 No Casino Resolution in 2007.

12.2 To implement a Gambling Policy in 2022, 2019, 2016, 2013, 2010, 2007

## 13. List of Appendices

13.1 Appendix A – Consultation response from GamCare Charity;

13.2 Appendix B – Consultation response from The Lotteries Council;

13.3 Appendix C – Consultation response from The Betting and Gaming Council;

13.4 Appendix D – Proposed Gambling Policy 2025-2028

14. **Background Papers**

14.1 The Council Gambling Policy 2022-2025

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## **GamCare’s response to Newcastle Under Lyme Borough Council – Consultation on the revision of statement of principles under the Gambling Act 2005**

### **About GamCare:**

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

### **GamCare’s comments on the revision of the statement of principles:**

- We welcome the position Newcastle Under Lyme Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council’s licensing responsibilities.
- It is vital that Newcastle Under Lyme Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Newcastle Under Lyme Borough Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Newcastle Under Lyme Borough Council should pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Newcastle Under Lyme Borough Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins, Senior External Affairs Officer: [pollyanna.hopkins@gamcare.org.uk](mailto:pollyanna.hopkins@gamcare.org.uk)*

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## Matthew Burton

---

**From:** [REDACTED] <admin@lotteriescouncil.org.uk>  
**Sent:** 09 August 2024 12:15  
**To:** licensing  
**Subject:** RE: Consultation on Statement of Principles 2025 - 2028

**Categories:** Matt

**CAUTION:** This email originated from outside of Newcastle-under-Lyme Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Matt,

We have review and have no comment.

Kind Regards,

[REDACTED]  
Operations Manager  
Tel: [REDACTED]



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**From:** Matthew Burton <Matthew.Burton@newcastle-staffs.gov.uk>  
**Sent:** Thursday, August 8, 2024 5:01 PM  
**To:** licensing <licensing@newcastle-staffs.gov.uk>  
**Subject:** Consultation on Statement of Principles 2025 - 2028

Good morning,

**Gambling Act 2005 - Consultation on Statement of Principles 2025 to 2028 – Newcastle-under-Lyme Borough Council**

I am writing to advise you that Newcastle-under-Lyme Borough Council are consulting on the revised Statement of Principles. A copy of the proposed statement of principles can be found at:- [Current licence applications and consultations – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](#)

We would be grateful for your comments upon the draft statement of principles during the consultation period which ends on the 19th September 2024.

How to comment:

All responses should be sent to:

Licensing Department  
Newcastle-under-Lyme Borough Council  
Castle House  
Barracks Road  
Newcastle-under-Lyme  
ST5 1BL  
Email: [licensing@newcastle-staffs.gov.uk](mailto: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](http://www.newcastle-staffs.gov.uk)

<https://www.newcastle-staffs.gov.uk/costofliving>

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By Email Only  
Licensing Section  
Newcastle Under Lyme Council

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / ADS / 123267.00004  
#GS5910482  
**Your ref:**  
**Date:** 17/09/2024

Dear Newcastle Under Lyme Council,

## **Re: Gambling Act 2005 Statement of Principles for Gambling**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

### **The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.

- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

## **Problem Gambling**

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

## **Advertising and Sponsorship**

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this

code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called “Think 21”. This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission’s response to their consultation on age verification on premises, all gambling venues will be moving to a “Think 25” policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC



and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

### **Considerations specific to the Gambling Act 2005 Statement of Licensing Principles**

Paragraph 2.2 of Part A refers to information regarding, “how the Council will promote the licensing objectives...” The reference to promoting the licensing objectives should be redrafted to avoid any confusion with Licensing Act 2003 applications. Whilst the promotion of the licensing objectives is central to Licensing Act 2003 applications and applicants are required to promote the licensing objectives under that Act, this is not the case with applications under Gambling Act 2005. Indeed the only entity upon which GA 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The Licensing Authority’s duty is to aim to permit the use of premises for gambling subject to four criteria as clearly stated in paragraph 2.1 whilst applications and operations are required to be reasonably consistent with the licensing objectives.

Paragraph 4.8 contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted as in its existing terms it refers to matters that cannot be relevant to an assessment as to whether a proposal is reasonably consistent with the licensing objectives. The references to “problems arising from street drinkers, individuals involved in areas such as ASV, drug dealing etc” should be removed. These are largely issues of nuisance (which the draft statement of principles later recognises (at paragraph 13.3) cannot be addressed by Gambling Act provisions) and even if they are issues that are more than nuisance, they are not criminal issues in any way related to the licensing objective, “Preventing Gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.”

Paragraphs 16.12 to 16.14 in Part B explain the council’s approach to premises licence conditions. This section would be assisted by the insertion of a clear statement that the mandatory and default conditions are intended to be, and usually are, sufficient to ensure consistency with the licensing

objectives and that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the applicant's local risk assessment.

Paragraph 16.13 should be redrafted to remove the final sentence which indicates, "The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively." Unlike Licensing Act 2003 applications where an applicant is required to indicate the steps to be taken to promote the licensing applications, there is no such requirement under Gambling Act 2005 applications as the mandatory and default conditions coupled with the local risk assessment will detail how the remises will operate consistently with the licensing objectives. The inclusion of the final sentence in paragraph 16.13 under the heading "conditions" appears to suggest that the mitigation measures proposed by an applicant (in the risk assessment) could be converted into conditions. This is not the scheme of Gambling Act 2005.

### **Conclusion**

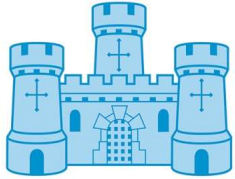
On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



### **GOSSCHALKS LLP**

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NEWCASTLE·UNDER·LYME  
BOROUGH COUNCIL

## Gambling Act 2005

# Statement of Licensing Principles 2025-2028

Published on 3<sup>rd</sup> January 2025

Implementation date: 31<sup>st</sup> January 2025

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## **PART A – THE GAMBLING ACT 2005**

### **1. Introduction**

1.2 Under the Gambling Act 2005 (the Act), the Borough Council of Newcastle-under-Lyme is the licensing authority for Newcastle-under-Lyme and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the Council are to the Borough Council of Newcastle-under-Lyme Licensing Authority

1.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published every three years. The statement can also be reviewed from time to time and any amendments must be consulted upon. The statement must then be re-published.

1.3 The Council consulted widely upon this Policy Statement before finalising and publishing it. A list of the consultees is given below:

- Staffordshire Police
- Staffordshire County Council
- Neighbouring Local Authorities
- Representatives of local businesses
- Local residents and their representatives
- Town and Parish Councils in the Borough
- Local Members of Parliament
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing licence holders
- Newcastle Partnership
- Department of Regeneration and Planning Services, Newcastle Borough Council
- Staffordshire County Council Trading Standards
- Aspire Housing
- Members of the Public (via the website and public notices)

Should you have any comments as regards this policy please send them via e-mail or letter to the following contact:

Licensing Department  
Regulatory Services  
Castle House  
Barracks Road  
Newcastle-under-Lyme  
ST5 1BL  
or via email: [licensing@newcastle-staffs.gov.uk](mailto:licensing@newcastle-staffs.gov.uk)  
tel: 01782 717717

1.4 The consultation took place between XXXXXX 2024 and XXXXXX 2024 and followed the Government's Consultation Principles updated in March 2018. This document is available from the www.gov.uk website at <https://www.gov.uk/government/publications/consultation-principles-guidance>

1.5 A copy of the consultation report containing a summary of the comments received and the consideration by the Council of those comments is available on request.

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1.6 The original Policy was approved at a meeting of the Full Council on 20th December 2006 (resolution 563/06) and the most recent Policy was approved by Full Council on 20<sup>th</sup> November 2024.

## 2. The Licensing Objectives

2.1 The Council will carry out its functions under the Act with a regard to the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 More information can be found about how the Council will ~~promote~~ carry out its functions in relation to the licensing objectives can be found in Parts B and C of this document.

2.3 The Council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any Codes of Practice issued by the national gambling regulator, the Gambling Commission.

2.4 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling insofar as it thinks it is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's Statement of Gambling Policy.

## 3. The Licensing Framework

3.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with Central Government and local authorities to regulate gambling activity

3.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite personal licence and operator's licence before they can approach the Council for a premises licence. In this way, the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any Codes of Practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and/or ad hoc gambling in other locations such as pubs, clubs and hotels.

3.3 The Council does not licence large society lotteries, remote gambling through websites or the National Lottery. These areas fall to the Gambling Commission.

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#### 4. Local Risk Assessments

4.1 The [Gambling Commission's Licence Conditions and Code of Practice](#) (LCCP) which were revised and published in February 2015 formalised the need for Operators to consider local risks. The LCCP was most recently revised in April 2024.

4.2 The Social Responsibility (SR) code requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

4.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take account of significant changes in local circumstances, including those identified in this policy statement
- Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

4.4 The Council requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise. It must also be kept at each premises that holds a licence with the authority and produced to officers upon request.

4.5 The risk assessment should set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.

4.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

4.7 An example of a risk assessment is attached at Appendix 1.

4.8 The Council will expect the local risk assessment to include the below considerations as a minimum:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- How vulnerable people, including those with gambling dependencies are protected;
- Any information held regarding self-exclusions and incidences of underage gambling;
- Gaming trends that reflect pay day or benefit payments;
- Known problems in the area such as problems arising from street drinkers, individuals involved in areas such as ASB, drug dealing etc
- Areas or premises where children are known to congregate including bus stops, cafes etc;

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- Areas or premises that may be frequented by vulnerable adults such as hospitals, residential care homes, medical facilities, addiction clinics, places where alcohol or drug dependant individuals may congregate.

## **5. Local area profile**

5.1 A Licensing Authority may complete an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile; however benefits for both the Licensing Authority and Operators include having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only. Any Local Area Profile document will be available on the Council's website alongside this Statement of Principles.

5.2 The Borough is the second largest district in Staffordshire and has a population of 129,610. The majority of the population live in the urban centres of Newcastle-under-Lyme and Kidsgrove which are located in close proximity to the City of Stoke-on-Trent and form part of the North Staffordshire Conurbation. The areas around the urban centre to the north, south and west are mainly rural comprising mostly Green Belt and Areas of Special Landscape where new development is restricted and population density is low. A map of the Borough can be found at Appendix 2.

## **6. Declaration**

6.1 This Policy Statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005

6.2 In producing the final Statement of Gambling Policy, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy Statement.

## **7. Responsible Authorities**

7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants

7.2 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

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7.3 In accordance with the regulations, the Council designates the Staffordshire Safeguarding Children Board for this purpose

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found on the Council's website at [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk) and are listed below:

- The Licensing Authority itself
- The Gambling Commission;
- The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
- The fire and rescue authority for the same area
- The local planning authority;
- An authority with functions in relation to pollution of the environment or harm to human health
- A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State.

The Act also provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

## **8. Interested Parties**

8.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as set out below.

8.2 For the purposes of this part, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraphs (a) or (b).

8.3 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Local Authorities. Within this framework, the Council will accept representations made on behalf of residents and tenants' associations
- In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

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## **9. Exchange of Information**

9.1 Licensing authorities are required to include in their Policy Statement the principles to be applied by the Authority with regard to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act

9.2 The principle that the Council applies is that it will act in accordance with the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection legislation will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **10. Data Protection**

10.1 When an individual or an organisation provides information to the Council, it is held in accordance with the Data Protection legislation. Data provided to the Council is used for processing applications, recording licence holders and for regulatory and enforcement purposes.

10.2 The Council may share data with other departments and partners of the Council and other agencies where required by the licensing/registration procedure and for regulation /enforcement but data will not otherwise be passed on to any other party.

10.3 While certain information may be disclosed under the Freedom of Information Act, some information will be held on a publicly available register, and may be posted onto the Council website; personal data will be protected unless it is also official business data (eg. a trader whose registered business address is also his home).

10.4 The Council has a duty to protect the public funds it administers and to this end, may use the information provided for the prevention and detection of fraud. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, eg. National Fraud Initiative.

10.5 The Council holds and uses data in accordance with Data Protection legislation. Stakeholders should be aware that information provided may be used and shared with other departments and agencies in order to assist in the prevention and detection of crime and to protect public funds.

## **11. Licensing Authority Functions**

11.1 Licensing authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing premises licences;
- Issuing provisional statements;
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issuing Club Machine Permits to commercial clubs;
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;

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- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines;
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where more than two machines are required;
- Registering small society lotteries below prescribed thresholds;
- Issuing Prize Gaming Permits;
- Receiving and endorsing Temporary Use Notices;
- Receiving Occasional Use Notices (for tracks);
- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange);
- Maintaining registers of the permits and licences that are issued under these functions.

11.2 The Council are not involved in licensing remote gambling. This falls to the Gambling Commission via operators' licences.

## **12. Definition of Children and Young Persons**

12.1 In this policy "child" means an individual who is less than 16 years old. In this policy "young person" means an individual who is not a child but who is less than 18 years old.

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## **PART B –THE LICENSING OBJECTIVES**

### **13. Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

13.1 The Gambling Commission will take a lead role in keeping gambling crime-free by vetting all applicants for personal and operators' licences. The Council's main role is to try and promote this area with regard to actual premises. So, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision

13.2 There is a distinction between disorder and nuisance. In order to make the distinction when incidents of this nature occur, the Council will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who could see it

13.3 Issues of nuisance cannot be addressed by the Gambling Act provisions. However, problems of this nature can be addressed through other legislation as appropriate.

13.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### **14. Ensuring that Gambling is conducted in a fair and open way**

14.1 The Council is aware that the Gambling Commission does not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

14.2 The Council will however familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

14.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document, and also in Part D which covers permits and notices.

### **15. Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

15.1 This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

15.2 Regarding the term 'vulnerable persons', the Council is not seeking to offer a definition but will, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs. The Council will consider this licensing objective on a case by case basis having regard to any guidance issued by the

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Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

15.3 The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective in relation to specific premises

15.4 The Council will promote this objective by publishing information on the Council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These web pages will be prepared in conjunction with these support agencies

15.5 The Council will also familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The Council will communicate any concerns to the Gambling Commission about any absence of this required information

15.6 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

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## **PART C – PREMISES LICENCES**

### **16. Introduction to Premises Licensing**

16.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example, premises licences will be issued to amusement arcades, bingo halls and betting shops.

16.2 Premises licences will be subject to the provisions set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

#### ***Definition of 'Premises'***

16.3 Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances

16.4 The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes. In particular, the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area

16.5 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access; compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act

16.6 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to 'the premises' are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the Council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights

16.7 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement

#### ***Location***

16.8 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that

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considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder

16.9 With regard to these objectives, it is the Council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- The proximity of the premises to schools and vulnerable adult centres
- The proximity of the premises to residential areas where there may be a high concentration of families with children
- The size of the premises and the nature of the activities taking place
- Any levels of organised crime in the area.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application

16.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

#### ***Duplication with other regulatory regimes***

16.11 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will listen to and consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

#### ***Conditions***

It is the Council's view that the mandatory and default conditions imposed by the Act are intended to be, and usually are, sufficient to ensure consistency with the licensing objectives and additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the applicant's local risk assessment.

16.12 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
- Fairly and reasonably related to the scale and type of premises and
- Reasonable in all other respects

16.13 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. ~~The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively~~

16.14 There are conditions which the Council cannot attach to premises licences which are:

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- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers or method of operation
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- Conditions in relation to stakes, fees, winnings or prizes.

### ***Door supervision***

16.15 The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It should be noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are required at these premises, it is the operator's responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties. Normally door supervisors will only be required in betting offices if there is clear evidence from the history of trading that it is necessary and proportionate. Possible ways to achieve this could be to carry out a Disclosure & Barring Service (DBS) check on potential staff and also to ensure that staff members have attended Security Industry recognised training

### **17. Adult Gaming Centres (AGCs) and Licensed Family Entertainment Centres (LFECs)**

17.1 Adult Gaming Centres (AGCs) are a category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades, seen in many city centres. Licensed Family Entertainment Centres (LFECs) are those premises which usually provide a range of amusements such as computer games and penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

17.2 Under the Act a premises holding an adult gaming centre licence will be able to make certain numbers of category B, C and D gaming machines available and no-one under 18 will be permitted to enter such premises. LFECs will be able to make available a certain number of category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

17.3 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in the above premises. The Council will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises or in the case of LFECs to the adult only gaming machine areas

17.4 The Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes (e.g. PASS schemes)
- The use of Challenge 25 policy
- The use of 'No ID No Entry' policy
- To train staff in the law and challenge people as to their age
- CCTV
- Door supervision

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- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The appointment of a single senior named point of contact to assist in compliance.

This list is not mandatory nor exhaustive and is merely indicative of examples

17.5 The Council will refer to the Gambling Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences when they have been published.

## **18. Casinos**

18.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players

### **Casino Resolution**

18.2 Each local authority is required to publish information in its Statement of Gambling Policy about how the Authority has taken or will take a decision to pass (or not to pass) a casino resolution. A casino resolution is a judgment made by a local authority about whether it will allow any small, large or the regional casino to be located in its authority area. The Council has passed a resolution that there will be no casinos in the Newcastle-under-Lyme town centre.

## **19. Bingo Premises**

19.1 There is no official definition for bingo in the Gambling Act 2005. However, from a licensing point of view there is a category of premises licence specifically for bingo premises which will be used by traditional commercial bingo halls for both cash and prize bingo. In addition, they will also be able to provide a limited number of gaming machines in line with the provisions of the Act.

19.2 The Council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where the machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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## 20. Betting Premises

20.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises. However, within this single class there are different types of premises which require licensing such as normal high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require

20.2 **Betting machines** – the Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

20.3 **Tracks** Tracks are sites where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the 'totaliser' or 'tote'), and also general betting, often known as 'fixed odds' betting. Multiple betting outlets are usually located on tracks such as 'on course' betting operators who come on to the track just on race days to provide betting for the races taking place on that track. There can also be 'off course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track. All tracks will require an overriding 'general betting premises licence' that the track operator will hold

20.4 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council is also aware that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track who will need to hold their own operator licences. The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter

20.5 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when racing takes place, although they are still prevented from entering areas where gaming machines (other than Category D machines) are provided

20.6 The Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes (e.g. PASS schemes)
- The use of Challenge 25 policy
- The use of 'No ID No Entry' policy
- To train staff in the law and challenge people as to their age
- CCTV
- Door supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage

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- Specific opening hours
- The appointment of a single senior named point of contact to assist in compliance.

This list is not mandatory nor exhaustive and is merely indicative of examples.

**20.7 Betting machines at a track** – the Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people. The Council will also consider the special implications that may arise at a track due to the size of the premises and the possibility that machines may be scattered around the site making it more difficult for the track operator to comply with the law and prevent children from betting on the machines

**20.8** The Council agrees with the Commission's view that it is preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This ensures that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises

**20.9 Condition on rules being displayed** – the Council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The Council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race card or made available in leaflet form from the track office.

## **21. Travelling Fairs**

**21.1** Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act

**21.2** Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1)

**21.3** The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair

**21.4** The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

## **22. Provisional Statements**

**22.1** A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered

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for the purpose of gambling would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required

22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which in the Authority's opinion reflect a change in the operator's circumstances

22.3 When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

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## **PART D – PERMITS, TEMPORARY/OCCASIONAL USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATIONS**

### **23. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits)**

23.1 The term 'Unlicensed Family Entertainment Centre' (uFEC) is one defined in the Act and refers to premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'Licensed Family Entertainment Centre' which does require a premises licence because it contains both category C and D gaming machines

23.2 The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, paragraph 7 of the Act states: "In preparing this Statement and/or considering applications, it [the Council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25"

23.3 In accordance with Gambling Commission guidance, the Council will give weight to child protection issues when considering applications for permits

23.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The Council will assess these policies and procedures on their merits. However, they may include appropriate measures/training for staff regarding suspected truant schoolchildren on the premises, measures/training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act), and that staff are trained to have a full understanding of the maximum stakes and prizes

23.5 The Council is aware that an application for a permit may only be granted if the Chief Officer of Police has been consulted on the application

23.6 In line with the Act the Council cannot attach conditions to this type of permit and the statement of principles only applies to initial applications and not to renewals.

### **24. Gaming Machine Permits in premises licensed for the sale of alcohol**

24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives

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- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant Code of Practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and 'such matters as it thinks relevant'. The Council considers that 'such matters' will be decided on a case by case basis, but generally regard will be had to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will also expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines

24.3 Measures which may satisfy the Council that there will be no access could include the adult machines being situated in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

24.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act

24.5 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines from that applied for. Conditions (other than these) cannot be attached

24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine

## **25. Prize Gaming Permits – Statement of Principles on Permits**

25.1 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in regulations;
- That the gaming offered is within the law.

25.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance

25.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Council cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and

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completed on the day the chances are allocated, and the result of the game must be made public in the premises on the day that it is played

- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

## **26. Club Gaming and Club Machines Permits**

26.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D)

26.2 To qualify for these special club permits, a members' club must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include workingmen's clubs, branches of the Royal British Legion and clubs with political affiliations

26.3 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age

26.4 The Council may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the Police.

## **27. Temporary Use Notices**

27.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues

27.2 The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be reviewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Council will look at,

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amongst other things, the ownership/occupation and control of the premises. The Council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### **28. Occasional Use Notices (for Tracks)**

28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice

28.2 The Council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

### **29. Small Society Lottery Registrations**

29.1 The Act creates two principal classes of lotteries - licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub classes, one of which is small society lotteries

29.2 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These may be administered by the Council for small societies who have a principal office in the area and wish to run such a lottery

29.3 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less

29.4 To be 'non-commercial', a society must be established and conducted:

- For charitable purposes
- For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

29.5 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'

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## PART E – ENFORCEMENT

### 30. Enforcement Principles

30.1 The Council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following Government guidance around better regulation

30.2 In carrying out its enforcement duties with regard to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will try to be:

#### **Proportionate:**

Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised

#### **Accountable:**

Regulators must be able to justify decisions, and be subject to public scrutiny

#### **Consistent:**

Rules and standards must be joined up and implemented fairly

#### **Transparent:**

Regulators should be open and keep regulations simple and user friendly

#### **Targeted:**

Regulation should be focused on the problem and minimise side effects

30.3 The Council will endeavour to avoid duplication with other regulatory regimes as far as possible

30.4 The Council has adopted a risk-based inspection programme for Gambling premises

30.5 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will notify the Gambling Commission

30.6 The Council's enforcement policy is available at: <https://www.newcastle-staffs.gov.uk/all-services/your-council/policies-and-strategies-z/corporate-enforcement-policy>

Commented [MB1]: Needs amending once policy is on website

### 31. Reviews

31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked or suspended or that conditions may be amended or new conditions added

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31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives; and
- In accordance with this Authority's Statement of Gambling Policy.

In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will not cause the Authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review

31.3 The Council can also initiate a review of a licence on the basis of any reason which it thinks appropriate.

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**APPENDIX 1 - Licensing Authority's Guidance to Operators with Regards to Local Area Risk Assessments - SAMPLE**

<b>Premises Name:</b>	<b>Premises Licence Number (If Applicable):</b>
<b>Premises Address:</b>	
<b>Post Code:</b>	
<b>Category of gambling premises licence:</b>	
<b>Name of person completing the assessment:</b>	
<b>Date original assessment carried out:</b>	

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Complete **a) - c)** with areas that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises having regard to Local Area, Gambling Operation and premises design.

**a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

**b) Ensuring that gambling is conducted in a fair and open way**

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c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

d) Control measures (based on the information above for a) – c), state the control measures you will put in place, e.g. systems, design and physical)

Describe the steps you intend to take to promote the three licensing objectives:

**ACTIONS FOLLOWING ASSESSMENT**

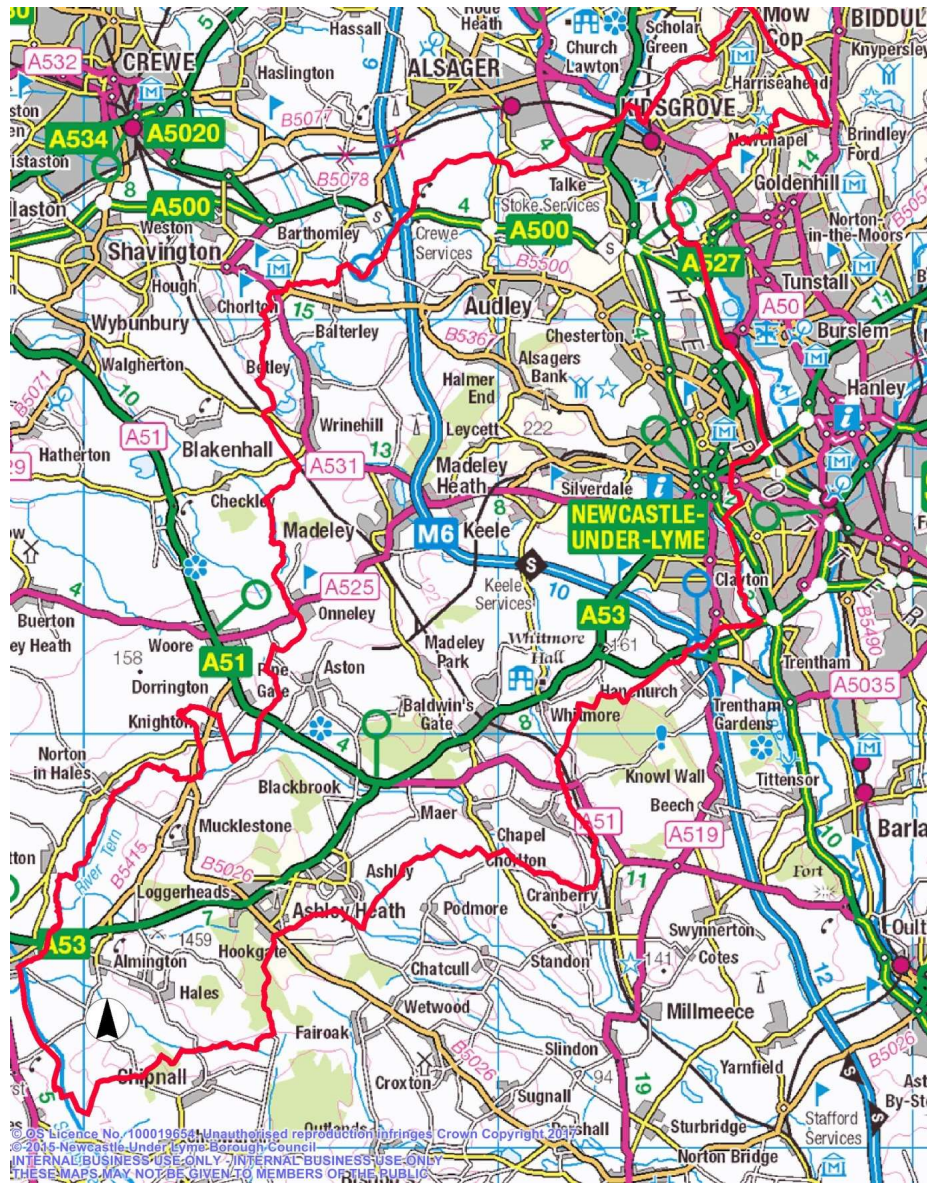
AREA e.g local area, gambling operation, premises design	PERSON/DEPT TASKED	DATE TASKED	DATE TASK COMPLETED

<b>Signed:</b>	<b>Date:</b>
<b>PRINT NAME:</b>	

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41-6.46: <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

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**APPENDIX 2  
MAP OF NEWCASTLE-UNDER-LYME BOROUGH**



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# Agenda Item 6

*Licensing Sub-Committee - 27/09/24*

## LICENSING SUB-COMMITTEE

Friday, 27th September, 2024  
Time of Commencement: 10.00 am

[View the agenda here](#)

**Present:** Councillor David Hutchison (Chair)

Councillors: Wright Lewis

Officers: Melanie Steadman Licensing Enforcement Officer  
Matthew Burton Licensing Administration Team  
Manager

1. **APPOINTMENT OF CHAIR**

**Resolved:** That Cllr Hutchison be appointed as Chair.

2. **APOLOGIES**

Apologies were received from the Premises Licence Holder.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **REVIEW OF PREMISES LICENCE FOLLOWING APPLICATION FROM A RESPONSIBLE AUTHORITY**

The Premises License Holder being unavailable in the morning the meeting was adjourned to 13:30 to allow for a re-start. As he was still unable to attend in the afternoon the following was agreed.

**Resolved:** That the case be adjourned to the 29<sup>th</sup> November 2024 at 10:00.

**Councillor David Hutchison  
Chair**

Meeting concluded at 1.35 pm

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## LICENSING SUB-COMMITTEE

Wednesday, 9th October, 2024  
Time of Commencement: 12.10 pm

[View the agenda here](#)

<b>Present:</b>	Councillor John Williams (Chair)		
Councillors:	Whitmore	G Williams	Heesom
Officers:	Melanie Steadman Matthew Burton	Licensing Enforcement Officer Licensing Administration Team Manager	
	Claire Ryles Robert Thomas Charlie Wainwright- Fallows	Licensing Enforcement Officer Environmental Health Officer Environmental Health Apprentice	
Also in attendance:	PS James Finn Robert Ward The Applicants	Police Licensing St Phillips Chambers	

### 1. APPOINTMENT OF CHAIR

**Resolved:** That Cllr J Williams be appointed as Chair.

### 2. APOLOGIES

Two of the members expected for the meeting being absent, substitutes had to be found resulting in a later start. Cllr Whitmore was unable to stay and was subsequently substituted as well.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

### 4. NEW PREMISES LICENCE APPLICATION THAT HAS RECEIVED RELEVANT REPRESENTATIONS

The Sub-Committee deliberated over an application which had received relevant representations from Staffordshire Police, Environmental Health and two members of the public on the grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance.

After careful consideration of the officer's report and the four licensing objectives of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm; and, in accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy, the Sub-Committee decided as follows.

***Licensing Sub-Committee - 09/10/24***

**Resolved:** That the license be refused and that the refusal be notified to the applicant in writing following the meeting.

**Councillor John Williams  
Chair**

Meeting concluded at 2.00 pm

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

**29 OCTOBER 2024**

**Report Title:** Public Space Protection Order - Car Cruising - consultation results

**Submitted by:** Service Director – Neighbourhood Delivery

**Portfolios:** Community Safety and Wellbeing

**Ward(s) affected:** All wards

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To advise the Licensing and Public Protection Committee on the results of the consultation on the proposed Car Cruising PSPO, and to seek approval to implement the Order.	
<b><u>Recommendation</u></b>	
That the Licensing and Public Protection Committee :-	
<ol style="list-style-type: none"> <li>1. receive the report and note the results of the consultation</li> <li>2. approve the implementation of the ‘Car Cruising’ Public Space Protection Order (PSPO)</li> </ol>	
<b><u>Reasons</u></b>	
To enable reasonable and proportionate enforcement action to be taken in relation to an identified issue with car cruising in the Borough.	

**1. Background**

1.1 In June 2024, Licensing and Public Protection Committee were presented with a report in relation to historical and current issues across the Borough in regards to ‘car cruising’. A draft Public Space Protection Order was presented to the Committee (Appendix 1) for their consideration. The report also highlighted alternative measures that have been used to deter and prevent this behaviour from occurring and sought approval to conduct a 12 week public consultation on the proposed PSPO.

1.2 This is the first application for a Public Space Protection Order in relation to 'car cruising'. The application is as a result of persistent issues of 'car cruising' behaviour across the Borough despite alternative enforcement techniques being utilised. The Order replicates a similar PSPO implemented by Stockport Metropolitan Borough Council which looks to address car cruising behaviour.

## 2. Consultation results

2.1 The consultation ran from 16<sup>th</sup> July until 2<sup>nd</sup> October 2024.

2.2 A total of 98 responses were received from local respondents (ST postcodes) as part of the consultation. A full copy of the report can be found at Appendix 2.

2.3 The following table shows that 66% of local respondents (ST5 and ST7 postcodes) were in favour of the PSPO, and 57% of respondents from all ST postcodes were in favour. There is a clear majority of local respondents in favour of the PSPO.

2.4 The below table shows the breakdown of the responses to the consultation:

	<b>Responses</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
<b>Borough (ST5 or ST7) respondents</b>	79	66%	30%	4%
<b>All ST postcodes</b>	98	57%	40%	3%
<b>Other/no postcodes</b>	62	37%	60%	2%

2.5 There were a number of respondents from outside the sub-region who responded to the consultation but as they are not local to the area, it is considered that less weighting should be given to these responses. A significant number of these referred to motor cycling or being a motor cyclist.

## 3. Officer response to consultation results and comments

3.1 It is clear from the consultation results that there is a clear majority of local respondents in favour of the PSPO.

3.2 There is a concern from national motorcycling organisations and individuals in relation to how the proposed PSPO would impact the motor cycling community with particular interest in the impact this would have on charity ride outs and events.

3.3 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.

3.4 The purpose of the proposed 'Car Cruising' PSPO is to target those who are acting in an anti-social manner, as prescribed in the Order. Officers would look to enforce this order in scenarios where harassment, alarm or distress was being caused as a direct result of 'car cruising.' There is no intention for Staffordshire Police or the Local Authority to target lawful, organised activity.

3.5 The Order will be enforced by Staffordshire Police, who will respond to incidents and calls in relation to 'car cruising' and utilise the power as and when they deem necessary. Staffordshire Police state:

*'The Newcastle-under-Lyme local policing team and Newcastle-under-Lyme Borough Council advises that the purpose of this local authority order is to target those that use their vehicle in an anti-social manner.'*

*Officers are looking to challenge those that persistently have a negative impact on our communities, not those that are using vehicles for charity and legitimate purposes. Those that are taking part in charity ride-outs or similar would not fall under the remit of the order.'*

*Like with any legislation, officers can use their discretion around enforcement. Giving advice and information would be an option for officers before considering the issuing of any fines.'*

## 5 Recommendation

**5.1 That the Committee receive the report and note the results of the consultation;**

**5.2 That the Committee approve the implementation of the 'Car Cruising' Public Space Protection Order.**

## 6 Reasons

6.1 To enable reasonable and proportionate enforcement action to be taken in relation to an identified issue with car cruising in the Borough.

## 7 Options Considered

**7.1** Do nothing – this option would not address the car cruising behaviour. There may also be an increase in problems due to other neighbouring authorities taking effective enforcement action.

**7.2** Remove reference to motorbikes in the Order – whilst it is noted that the majority of car cruising incidents relate to cars, motorbikes have been present in engaging in the anti-social behaviour that presents as ‘car cruising’ and therefore Officers would support this reference remaining in the Order.

**8 Legal and Statutory Implications**

**8.1** PSPOs 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.

**9 Equality Impact Assessment**

**9.1** An Equality Impact Assessment has been updated in relation to enforcement activities undertaken by the Council.

**10 Financial and Resource Implications**

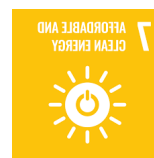
**10.1** There are no additional financial or resource implications directly relating to this report.

**11 Major Risks & Mitigation**

**6.1** It is recognised that neighbouring authorities are exploring their own legal options around this problem. If the Council fails to put in appropriate measures to tackle the issue, then there may be an increase in this area as other areas initiate enforcement.

**12 UN Sustainable Development Goals (UNSDG)**

**12.1** The proposal contributes towards the following UNSDGs:



**13 One Council**

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

Consideration has been given to all of three elements of One Council – however this matter does not directly link with any of these programmes.

**14 Key Decision Information**

**14.1** Not applicable.

**15 Earlier Cabinet/Committee Resolutions**

14.1 Car Cruising PSPO – Licensing and Public Protection Committee June 2024.

**16 List of Appendices**

**16.1** Appendix 1 – copy of the draft ‘car cruising’ Public Space Protection Order.

**16.2** Appendix 2 – copy of the Consultation Results.

**17 Background Papers**

**17.1** None

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# Newcastle-under-Lyme Borough Council Public Space Protection Order 1 of 2024 ('Order')

## Anti-social Behaviour, Crime and Policing Act 2014

### Section 59

1. This order shall come into Operation on [INSERT DATE] and will be in effect for 3 years, thereafter, unless extended by further orders under the Council's statutory powers.
2. This order relates to the Borough of Newcastle-under-Lyme edged in red on the attached map (the Restriction Zone)
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met, namely that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality.
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.

Newcastle-under-Lyme Borough Council in its exercise of its powers under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, having consulted as required by Section 72 of the act, hereby makes the following order.

The effect of the Order is to restrict persons within the highlighted area from carrying out the following **Prohibited Activities**, at all times.

1. To participate in 'Car Cruising' anywhere in the geographical area within Newcastle-under-Lyme as outlined in the map named Annex A. Participating in 'Car Cruising' means being the registered keeper or driver of, or being carried in or on a motor vehicle, when two or more vehicles (including motorbikes) being on a highway, or a publicly accessible place, at which any such vehicle, or occupant of a vehicle, performs any of the activities listed in the **Schedule** below.

SCHEDULE: The prohibited activities referred to in Clause 1 are:

- a. Causing a danger to other road users including pedestrians or causing a significant risk of damage to property by either speeding or racing.
- b. Driving in convoy while car cruising
- c. Performing stunts while car cruising

- d. Repeatedly sounding horns (as to cause a significant public nuisance)
  - e. Playing music excessively loud (as to cause a significant public nuisance)
  - f. Using foul or abusive language
  - g. Using threatening, intimidating behaviour towards another person, or
  - h. Causing an obstruction on a public highway, or a publicly accessible place, whether moving or stationary.
2. To promote, organise or publicise, via email, the internet, Facebook, Twitter or similar social media, or any publication or broadcast any 'car cruising' within the defined geographical area (as delineated on the map on Annex A).
  3. Attending any meeting of two or more vehicles in a public space either as a vehicle owner, driver, passenger or spectator and engaging in any activity that a reasonable person would consider to be 'car cruising'.

### **Offences and Penalty**

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 67 of the act, a person found to be in breach of this order is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice of £100.

### **Appeals**

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 the 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.

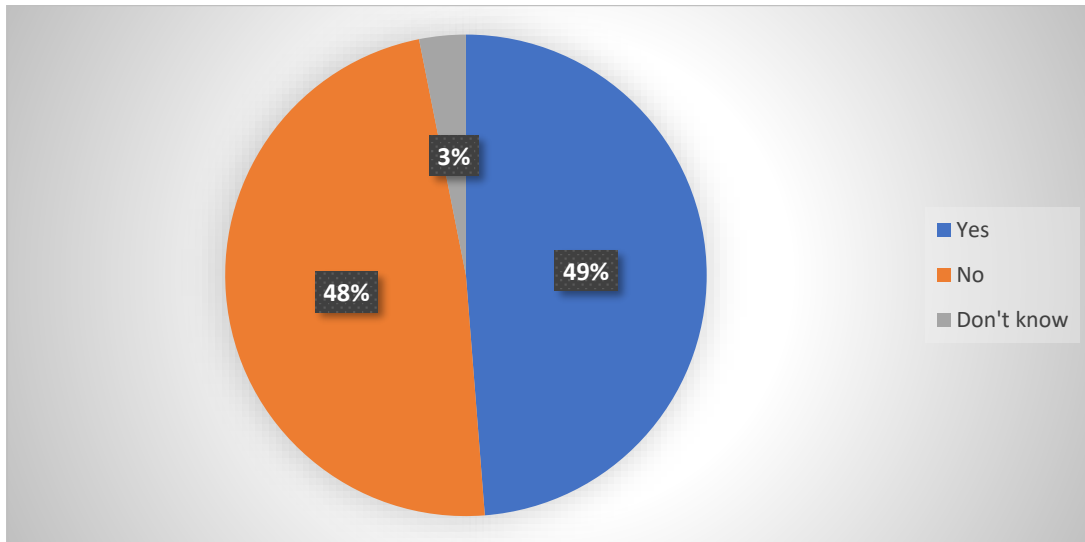


# Consultation on Public Spaces Protection Order on Car Cruising – July to October 2024

The consultation was open from 16 July until 2 October 2024, and received 160 complete responses.

Do you agree with the proposals to implement a PSPO which sets out prohibitions specifically related to car cruising?

Figure 1: Proportions agreeing with the proposals. 160 respondents



Slightly less than half (49 per cent) of respondents agreed with the proposals, with nearly as many (48 per cent) disagreeing. The remaining three per cent were undecided.

The earliest responses, until 4 September, were from fairly local respondents and largely supportive of the PSPO. An article in the Daily Express had already highlighted the consultation and there were soon motorcycle websites, such as *The British Motorcyclists Federation* and *Motorcycle News*, here in the United Kingdom and also in the USA informing their readerships of this proposal. Editorials, and message boards in particular, contained negative comments. There were then significant numbers of respondents, mostly from other parts of the country, who were concerned that the PSPO would be used to clamp down on motorcycle riders, including those on charity events or even two riders travelling somewhere together to meet up. This changed the overall picture from being mostly supportive to mostly opposing, and it was only in the last week of the consultation, when several more local responses were received, that this changed.

Out of the 160 completed responses, 79 were from respondents who said they had an ST5 or ST7 postcode and so classed as being from the borough – note that no responses were submitted from anyone with a CW3 or TF9 postcode. A further 19 were from other ST areas not in the borough. The other 62 were from either other postcode areas or did not say what their location was. Of these 62, some were from long distances away such as Kingston and Bromley in Greater London, Bournemouth, Portsmouth, Scarborough, Ipswich, Leicester, Llandudno and Coventry. The responses from such areas were almost exclusively opposed to the proposal due to a perceived negative effect on motorcycle riders.

The following table shows the difference in support from local respondents and those from other areas. There is a clear pattern here showing that the more local the respondent, the more supportive they were of the PSPO.

Around two-thirds (66 per cent) of respondents with ST5 or ST7 postcodes were in favour of the PSPO being introduced.

57 per cent of respondents with any ST postcode were in support of the PSPO being introduced. But only 37 per cent of respondents from other areas – or who did not say where they were from – supported it.

*Figure 2: Support by location of respondents*

	<b>Responses</b>	<b>Yes</b>	<b>No</b>	<b>Don't know</b>
<b>Borough (ST5 or ST7) respondents</b>	79	66%	30%	4%
<b>All ST postcodes</b>	98	57%	40%	3%
<b>Other/no postcodes</b>	62	37%	60%	2%

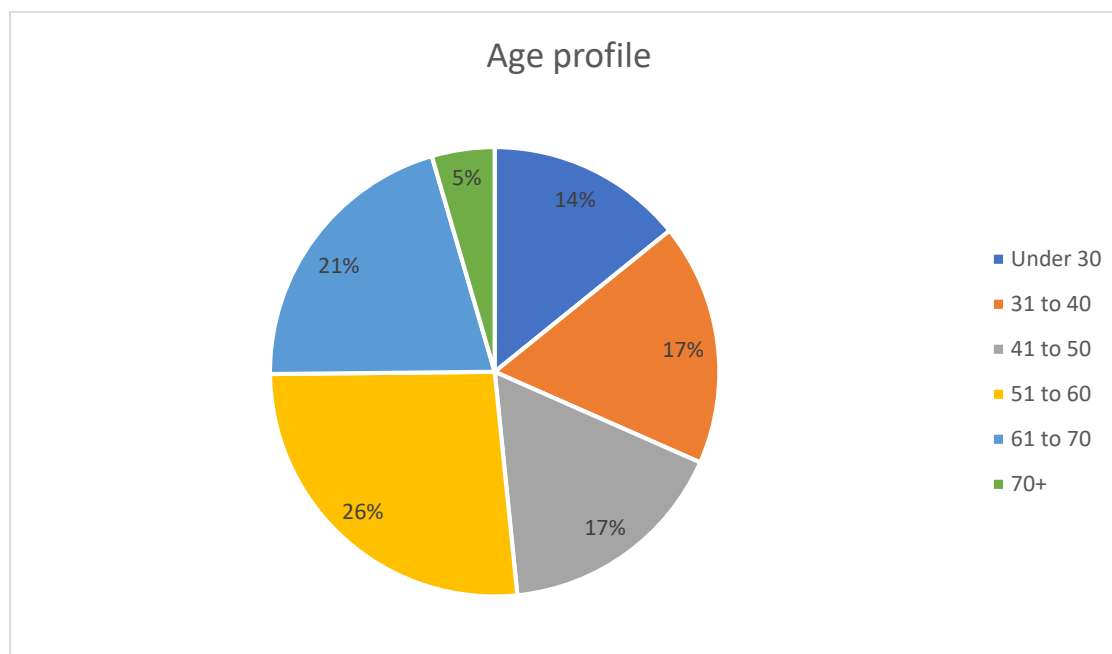
All of the comments are included in full at the end of this report, but the following word cloud shows the key themes from the comments. The larger the word, the more responses featured it – and this clearly shows how many respondents were concerned with the impact of the PSPO on motorcyclists. The large font featuring words like motorcycles, motorcycle, motorbikes and motorcyclists demonstrate this.



### Age profile

A reasonable number of responses were received from all of the offered age groups. Just over half of respondents (52 per cent) were aged 51 and above, with the other 48 per cent aged up to 50.

Figure 4: Age profile of 155 respondents



### Location of respondents

92 respondents put their complete postcode - but several only submitted the first part. Anyone who put ST5 or ST7 were classed as being in the borough: while some ST7 postcodes are in Cheshire East, including Alsager and Rode Heath, these are only a small proportion. Two respondents said they were from ST4 – they were classed as being from outside Newcastle-under-Lyme as only a small proportion of these postcodes are in the borough. The following table shows where respondents were from, and note that areas are defined by their postcode prefixes so, for example, anything with a WS postcode is defined as Walsall and all CV postcodes are defined as Coventry.

Figure 5: Locations of respondents who provided at least part of their postcode

Location	Responses	Location	Responses
Newcastle-under-Lyme Borough	79	Llandudno	1
Other ST postcode	19	Portsmouth	1
Birmingham	2	Sheffield	1
Bournemouth	1	Swindon	1
Bromley	1	Telford	1
Coventry	3	Warrington	2
Derby	2	Wakefield	1
Ipswich	1	Walsall	2
Kingston upon Thames	1	York	1
Leicester	3		

## Comments

All received comments are included in full below, with only obvious spelling mistakes corrected.

The following comments were received from those respondents who answered that they supported the introduction of the PSPO:

- I am sick and tired of car cruising on the A34, it really is affecting the way we are able to live within our house. I have complained to the police on many occasions, finally this will see the end if the police actually enforce it.
- Hopefully crack down on speeding around Wolstanton. Cruisers regularly use Silverdale road to test the exhaust due to the nature of the street.
- It's essential that our roads and the people who use them are safe, in a time where we have moved on, and places operate 24 hours. There are enough beautiful places to see in the day or when on holiday, at nighttime is becoming another league. Not good, not safe, especially if you are a shift worker. I totally agree with all the points that have been put forward. Right now, it seems to have ramped up at Tesco carpark, Kidsgrove which needs to be nipped in the bud asap! So it's definitely a yes from me.
- I live on Priory Road, Newcastle and within the last 6 months there has been a noticeable increase in late night excess speed and exhausts that backfire. Having lived on the road for 30+ year I have seen many accidents due to excess speed , and I am concerned that it is only a matter of time before we see another one.
- When I stay at my partners house in kidsgrove, I find repeated disturbance from cars meeting on Tesco carpark in Kidsgrove. This happens most nights where numerous cars come and go meeting other cars, beeping, playing music loudly and speeding around the carpark doing donuts. I find this highly annoying as it has woken me up on numerous occasions. I feel there needs to be a crackdown on this to stop this from happening.
- Persistent issues with vehicles racing up and down the A34 from the ring road up to the A500. Regularly hear the cars from my home and see them when they race on the NSL section between the A500 and first roundabout on the A34 southbound. I am not certain of the road worthiness of many vehicles up partaking in these activities. £100 fine seems too lenient, needs increased.
- I think this will only work if there are the resources to identify the people that do it and get evidence needed for prosecution. I do get the impression that some people drive along various roads in a similarly anti-social way, but I don't have evidence, only that I hear the engine noise and gauge the speed. Those people aren't in groups of cars, only a single car. Is there scope for an education element to the strategy to reduce future car cruising?
- I live on the Woodlands estate behind the Premier Inn off the A34. It used to be on the odd occasion but lately it seems every night we're living on a TT or Grand Prix practise track
- Harsher penalties for organisers
- I live on Red Street which is parallel to A34 ... although there are 3 large fields between the 2 roads I can plainly hear and see the vast amount of cars



speeding in convoy between the two roundabouts... it is very dangerous and noisy and totally unacceptable

- After witnessing cars on a daily basis speeding, passing through red lights, driving through bus lanes and constantly witnessing situations where there was almost a collision, I have absolutely no confidence that this PSPO would ever be enforced if it were to be approved.
- This needs to be policed thoroughly. We were set upon by thugs on motorbikes after asking them not to rev their bikes and terrify my rescue dog. The police were called by staff at the cafe we were at, yet the police sided with the thugs choosing to befriend and eye-up their bikes instead. No faith in the policing of these thugs at all.
- Most Saturday evenings they race for hours need stopping
- This matter relates to Audley Road and Deans Lane too. It can be extreme at various times of the day with various cars and motorbikes.
- Having read about this in MotorCycleNews, September 4th issue, I am very concerned that this prohibition, though targeted to a specific group, i.e. Car Cruising, it could be extended to any group to prevent people in pursuit of their legal right to meet with others for social or charitable events. I am a retired ex-serviceman of 22 years in the RAF and a member of a classic motorcycle club. We get great pleasure in meeting up to visit places of interest and also provide pleasure and interest to the public at Classic Car and Motorbike shows. Motorcyclists also regularly raise hundreds of thousands of pounds for charities during "Ride Outs" such as the annual "Ride to the Wall" at The National Arboretum in your area, and The Distinguished Gentlemen's Ride which is a Global event. Also, the recent "Dave Day" ride out in memory of Hairy Biker Dave Myers raised thousands for Cancer Research with so much support and positive National media reporting. I fear that this would quickly become illegal if PSPO's became an easy method of controlling citizens' rights to their current freedoms. What happens if I was out on my bike on my own and caught up with another bike also on a lovely relaxing ride in the countryside? Would we be liable for a roadside fine of £100 just for living our lives? I need reassurance from Government that this is not the thin end of the wedge which could spread across all counties once councils see your borough doing this.
- Cruising is making safe driving very difficult and preventing careful and diligent drivers from using some areas of the borough.
- We are sick to the back teeth with the backfiring exhausts all hours of day and night this is why we back the PSPO

The following comments were received from respondents who were opposed to the introduction of the PSPO:

- £100 is insufficient a response to an issue that blights residents and road users lives. It is not a disincentive. If, however, drivers and those present in the vehicles receive endorsements on their licence then this might be valuable. However, you're not proposing this, so it's a toothless waste of council time. Additionally, Staffordshire Police as an 'inadequate' force doesn't

have enough resource or skill to answer 101 calls, let alone Police anti-social behaviour. How do you think the Police will become aware of this when this isn't lifesaving, so a 999 call is not appropriate, and it takes more than 1 hour for a 101 non-emergency call to be answered. Come back once you've got something which might actually tackle this problem.

- Unnecessary. 2 cars meeting is a ridiculous statement. Could be 2 friends socialising after work or meeting for a catch-up
- Ridiculous, this overlaps law abiding citizen's legal vehicle meetings and events. This proposal requires rethinking and rewording. Also, surely this is a much lower priority than sorting the councils plan to decimate our green space with unwanted development or the unchecked invasion of our borders by militant gangs. Our high streets are full of foreign money laundering operations and your main concern is to stop young people enjoying their freedom.
- Motorcycle riders are not car cruising and should not be included. Myself as a motorcycle rider have ridden for 36 years and have attended many charity events of over 1000 motorcycles, funerals of fellow riders and ride with my family who ride too. If this comes into force it would prohibit our family travelling together on motorcycles within the borough.
- It is extremely concerning that this is intended to apply to motorcycles as it could mean that if myself, my husband and my son were to go out for a motorcycle ride together we could be at risk of receiving fines for the sole reason of being three motorcycles riding together "in convoy" despite breaking no traffic laws. Will you also be fining people who join funeral processions on motorcycles who are paying their respects to a fellow biker? This is entirely over the top; the police should be dealing with anti-social behaviour as and when it occurs.
- Utter waste of resources
- This is a massive overreaction and an abuse of power. This means you can be fined for going somewhere with 2 vehicles together! It's a complete disgrace.
- So how is this going to work with motorcycle training when you have an instructor and two students?
- This is not only Orwellian but completely ridiculous given laws already exist to tackle the problem you outline. I for one will absolutely not comply if two friends and I want to ride our motorcycles or drive our cars to any destination including one in the district. This will force you to explain yourself in court, a day which I look forward to. I will not allow you to clamp down on law abiding citizens' freedoms in this way. An utter disgrace.
- I am a member of IAM and ROSPA bike groups. We run regular group rides in which we ride in convoy. We do not inconvenience or annoy other road users or residents and observe all traffic laws. This activity is a core component of our road safety promotion. It is appalling that the council lumps us in with anti-social car cruisers.
- Whilst i agree with the base principle and the need to provide recourse in addressing anti-social use of cars and motorbikes I do not agree with the

proposal as worded, as it will also mean that regular activities will also fall under the order. For example, I am riding with some friends to the Staffordshire Bike breakfast at Port Vale am I now open to be fined? What is a convoy? If I find I'm following the same route as 2 other cars, am I now open to being fined? Your map includes the M6, does that now create an obligation on any event organisers to gain council permission to pass up or down the M6? How will you make sure organisers know, have you resource to grant permission to all the car and bike club requests? I do not agree that driving or riding in a convoy should be included in the order as that is too broad on its own.

- Wrong map attached to consultation!
- As a motorcyclist and a member of a motorcycle group, I would be concerned that this would penalise groups riding in convoy either as part of an organised charity event, or purely for safety. A group of motorcycles riding legally in formation is far more visible than individual riders, and therefore much better protected from the actions of other road users. This proposal in its current form would appear to outlaw the safest way for a group of riders to travel together from one place to another. While I understand the reasoning behind most of the proposal, I have grave concerns about the 'riding in convoy point' as it is currently put.
- Why punish everyone most of us are law abiding citizens, I run a motorcycle ride group. I don't allow unsocial behavior on our rides
- Whilst I don't disagree there is a need to tackle anti-social behaviour on the roads, i do have to call into question your definition of a 'convoy' being 2 or more vehicles. As a motorcyclist, and a responsible one at that, I take great pleasure in riding with 3 or 4 friends going to a cafe for some food and supporting local independent businesses. This restriction would greatly impede my ability to even meet with friends at a local cafe to enjoy a social catch up - which is very important to my mental health. I feel this would also impact local businesses and reduce footfall and income due to fear of falling foul of this order. I'd be agreeable to all but B on this proposal. Given your definition of cruising also, this would im sure cause concern for hosted bike meets and nights which from my experience are very respectful and peaceful and very rarely have ASB exhibited. With many things being targeted at the motorist, this feels like we are not able to have any enjoyment in a hobby we enjoy responsibly. I think your definitions need expanding further as they are too broad brush. I certainly consider myself a reasonable person but would absolutely not consider myself and a small group of friends riding to an establishment in a sensible manner 'cruising'.
- I object to well behaved motorcyclists being criminalised in this way, i understand the need to manage poorly behaved motorists but simply banning 2 or more vehicles travelling together is extreme and unnecessary. As an advanced motorcyclist and blood biker I frequently ride 'in convoy' for training and service delivery purposes, are we not being banned from the area due to the behavior of others? Please don't tell me the police will exercise discretion, we know they don't do that. By the way item one on the order contains a

simple spelling mistake 'shall' not 'shell', is this indicative of the level of thought that has been applied to this PSPO?

- If this is for car cruising only, then I agree. However, as a member of a charity motorbike club, I disagree if it is intended to include motorbikes. The club rides in a group for social purposes, for protection (as a group it is easier and safer to see than a lone rider), to assist new riders in learning and confidence on their bike and to raise money for charity.
- Motorcycling with friends to cafes and other local businesses is part of the wonderful camaraderie inherent to the motorcycling community. It brings in revenue to local businesses and for elderly members of the community it keeps them socially active. The blanket ban for riding motorcycles with friends, which could be considered a convoy, is an attack on the freedoms of the law-abiding motorcyclists that enjoy the social aspect of motorcycling. This also leaves the proposed order open to interpretation as 2 riders who are not known to each other but riding through near to each other could be mistaken as a convoy of motorcycles. This is the same for drivers of cars also. This is a disgusting attack on individual freedom and if it comes through in its current form will stop motorcyclists coming to NUL businesses as getting a ticket for a social activity is not worth the risk. It needs to have motorcycling removed from the order or a better definition of the offence given so as to remove the area of interpretation surrounding the offence. At face value this appears to be an egregious eroding of personal freedom to travel and engage in lawful activity. Motorcycling with friends to cafes and other local businesses is part of the wonderful camaraderie inherent to the motorcycling community. It brings in revenue to local businesses and for elderly members of the community it keeps them socially active. The blanket ban for riding motorcycles with friends, which could be considered a convoy, is an attack on the freedoms of the law-abiding motorcyclists that enjoy the social aspect of motorcycling. This also leaves the proposed order open to interpretation as 2 riders who are not known to each other but riding through near to each other could be mistaken as a convoy of motorcycles. This is the same for drivers of cars also. This is a disgusting attack on individual freedom and if it comes through in its current form will stop motorcyclists coming to NUL businesses as getting a ticket for a social activity is not worth the risk. It needs to have motorcycling removed from the order or a better definition of the offence given so as to remove the area of interpretation surrounding the offence. At face value this appears to be an egregious eroding of personal freedom to travel and engage in lawful activity.
- This is an absolute disgrace and another way to try and control everything. Most motorcycle riders are decent law-abiding people who have ride outs to cafes and other places to meet and ride with fellow bikers. It's our passion and way of life.
- I understand anti-social behaviour can be an issue but I also lead motor bike rides for a group we always ride responsibly and within the law the rides are important to all attending and we visit places like motorbike shops, cafes and

events as a group so this would prevent us from the area this could have an impact on local businesses and footfall in the area

- (Note – this comment was submitted twice in separate responses from respondents in different age groups. The quote marks were part of the submission). "Motorcycling with friends to cafes and other local businesses is part of the wonderful camaraderie inherent to the motorcycling community. It brings in revenue to local businesses and for elderly members of the community it keeps them socially active. The blanket ban for riding motorcycles with friends, which could be considered a convoy, is an attack on the freedoms of the law-abiding motorcyclists that enjoy the social aspect of motorcycling. This also leaves the proposed order open to interpretation as 2 riders who are not known to each other but riding through near to each other could be mistaken as a convoy of motorcycles. This is the same for drivers of cars also. This is a disgusting attack on individual freedom and if it comes through in its current form will stop motorcyclists coming to NUL businesses as getting a ticket for a social activity is not worth the risk. It needs to have motorcycling removed from the order or a better definition of the offence given so as to remove the area of interpretation surrounding the offence. At face value this appears to be an egregious eroding of personal freedom to travel and engage in lawful activity."
- If the intention is to ban things that are already illegal, then why do it. The draft order says it defines car cruising in the schedule, which includes 'driving in convoy while car cruising'. Isn't this a circular definition i.e. car cruising is car cruising? The map covers a stretch of the M6 motorway and so potentially aims to make national events that are just passing through your area like the recent tribute Rideout for one of the Hairy Bikers illegal (I didn't go on it, so I don't know which way it went but imagine it went up the M6).
- Why 2 wheels if there is not an issue with motorcycles/scooters? This is ridiculous.
- I regularly ride with friends in the Newcastle area, we meet and ride to local cafes and businesses. Your proposals will mean that if we meet and ride together, we are committing a breach of the order. There is no definition of car cruising, so the proposals are unworkable.
- There is absolutely no need to introduce more Draconian legislation when the law as it stands is perfectly enabled to ensure prosecution of any of the illegal or antisocial activities that might be carried out by car, motorcycle, electric scooters and cyclists. The issue is a lack of police presence, proper sentencing, and the will to deal with the individuals involved. A few licences revoked, heavy fines, criminal convictions and suddenly these miscreants would sit up and take note. A £100 fine is a weasel way of raising cash for budget constrained councils. How on earth are you going to police this, and with what resource. Idiotic.
- Not in the proposed form why motorcycles?
- Dear Councillors, I believe the proposal, as set out, will restrict motorcycle instruction and tests where the instructor or examiner is required to follow the candidate on another motorcycle, i.e. in convoy. It will have a similar impact

on IAM RoadSmart and RoSPA advanced training for the same reason. As someone who is not local and tours with friends on motorcycles I could be inadvertently caught out by this order. We avoid motorways where possible when touring. The proposal seems disproportionate in that it prohibits legitimate activities which cause no nuisance. Kind Regards Jon Strong

- I am a motorcyclist; the proposals would make riding a motorcycle with a friend or riding with my wife a criminal offense if riding in a "convoy" of 2 or more vehicles is considered cruising.
- Agree with the spirit of the Order but not as proposed, since this will also impact on entirely proper leisure activities such as motorcycle group riding, who ride compliantly and cause no harm to residents.
- I belong to a motorcycle group who regularly arrange rides out. We all observe the law and don't cause any nuisance. This PSPO will restrict us passing through the borough to our destination.
- It means I can't leave the house with my wife and travel through the borough.
- Ridiculous powers that will have a detrimental impact on law abiding citizens as well as the car cruisers it's supposed to target.
- If there is a problem with cars cruising at different location , why does that involve motorcyclist you don't see bikes at these car cruises and this idea of stopping bikes from riding in groups is ridiculous it is common to groups of bikes on route to DK motorcycles on the A34 which is a major road through the borough what will happen with rider training people are they being find I am sorry but you are classing motorcyclist as involved in this which they are not this is a dislike of motor cycles by a councillor of her own opinion and consider the good work done by the Star Bikers and yes I am a motorcyclist and I am vehemently against these accusations off motorcyclists being involved in cruises .
- A ridiculous approach to take, try policing the laws that exist rather than removing the civil rights of innocent motorists and motorcycles, this is just pure fascism.
- There are much bigger problems to look at. Like last week when I took my kids to the cinema and groups were throwing glasses at each other. Scared my kids to the point they don't want to visit anymore. Car / bike enthusiasts meeting up should be encouraged providing they are not being anti-social.
- How you can lump motorcycles into this category is beyond me, do you know the difference ?. Motorcyclists do not cruise up and down doing doughnuts with loud music belching out, that would be impossible, where could you fit a 200-amp sound system on a bike ! You will also discover, hopefully, that a large portion of bikers are all of a mature age and tend to go on ride outs out of the area and not making a nuisance of themselves locally. This smacks of nanny statism, and if this is the way you are thinking, then perhaps a change of council would be the direction of travel.
- I have read that this applies to motorcycles. If that is the case, I have never heard something so ludicrous in my life. In relation to cars, you are telling me if I am following a friend to a location I am in breach of this proposal. Who comes up with this stuff? Now if it's past let's say 9pm and there are

numerous cars parked up making excessive noise and making a nuisance then yes. But you can't tar all with the same brush. If the group of people in whatever vehicle are causing no harm and breaking no laws, then what is the problem. Punish the ones that are causing the issue and use your limited intelligence to punish the correct people.

- Whilst I have no issue with you addressing an actual problem (cars), to extend this to include convoys of motorcycles is where I take offence. As a motorcyclist, I often ride in a group, or 'in convoy' as you say. We are doing no harm and are simply travelling together, and this could well be to Staffordshire Honda, located in Newcastle! So are we not able to support local businesses now? What about the bike nights which keep local pubs open? The Bikers Breakfast Events that take place at various locations to promote safety, which we attend with our friends? The charity rides that we organise and/or attend? As I say, address actual issues, no problem, including illegal motorbikes and those which are stolen, but please do not tarnish us all with the same brush. It's disrespectful, unnecessary and hurts both you and us.
- This will only hinder the enjoyment and positive use of the roads by law abiding road users. Everything this proposal sets out to stop is already illegal so stopping groups or a few individuals driving together will not prevent people who go out with the intent to endanger themselves and other road users from doing so.
- Anti-social road use is a POLICE matter, not a council matter. You are trying to infringe on our right to use the roads and knowing you, once you've banned group meets, it will be solo riders. Concentrate on matters that are your concern and leave this to the police. I am tired of being discriminated against and you have no right to stop groups using the road in a legal and safe manner. Blanket bans are not fair to considerate road users. I don't even live in the area but feel very strongly that you are abusing your power and if you succeed, other idiot councils will probably follow.
- This is a badly worded and draconian order drafted by somebody who has failed to understand its implications or given any thought as to how an offence can be proven or enforced. What constitutes a 'meeting' or a 'convoy'? If a motorcyclist happens to be riding with 2 other friends then they are in a convoy. What happens if the motorbikes are spaced apart by 10 seconds, is that still a convoy or is it just 3 motorbikes who happen to be travelling in the same direction? If a group of friends or family members meet at a cafe or a park, or people drive together to a children's birthday party or an organised event then that could be construed as a 'gathering' under the vague terms of this order. It is ridiculous to then say that any planned movement of 2 or more vehicles will need to be granted consent by the Council, which will need to be administered and then no doubt you will seek to charge for it. There is plenty of existing legislation to deal with anti-social behaviour. This proposal is unnecessary and poorly thought through, with significant implications for entirely harmless and legitimate activities.
- Such a badly thought out PSPO. There have been countless times I have ridden a motorcycle on the M60 with at least two friends going on holiday. Just

driving in convoy with one of the other conditions is an everyday occurrence and cannot be considered as anti-social

- Change the wording- how do you define "cruising " when you are about to ban funeral processions, charity rides, three guys going for a meet up. The PSPO should only relate to anti-social behaviour, not normal people doing totally innocent things like going for a bacon butty at the local cafe at lunchtime, whilst not living in the area we dis this when my son was at your University - You will just destroy the commercial industry in your area
- An unbelievable infringement on the right to gather. It would be impossible to prove they are gathered and aren't just a coincidence. The police already have powers to fine and prosecute nuisance drivers, they don't need more
- This proposal is completely ridiculous and a direct violation of our freedoms in this country. I agree that those committing crimes in vehicles, such as excessive speed, driving dangerously, etc. should be punished. However, this PSCO proposal is a lazy blanket statement, which will harm those enjoying driving cars with friends or going for group rides on motorbikes. The police and council should have no legal right to stop groups of law abiding, tax paying people from driving or riding on public roads, even if they are doing so purely for the joy of it. You will simply further the divide between the public and the police/council which is already being stressed. A better and more community centred approach is to engage with vehicle enthusiasts during meets, using ANPR to ensure vehicles are road legal, and showing that the police are reasonable. Just because some people dislike motor vehicles and do not understand the hobby/joy that others gain from it, does not give them the right to take it away, as long as those in groups are taxed, MOT'd and driving/riding within the legal limits.
- Police already have the power to combat anti-social car/bike groups. This will only impact groups of sensible Drivers/Riders who want to meet and enjoy their shared interest in cars or motorcycles.
- Most of the list of banned activities are already illegal, so this order is redundant. "Driving in convoy" is not an offence, neither should it be. Lots of people follow someone to a destination, are funerals going to be illegal, this is just plain stupid. The statement "engaging in any activity that a reasonable person would consider to be 'car cruising' is not itself reasonable, and suggests that the person who drafted it is unable to define a car cruise.
- If there's a problem, then target the offenders rather than imposing a blanket ban. You don't ban shoppers from the high street on the basis that some of them might shoplift.
- This idea is a waste of resource. How much of my council tax is being wasted on this? Do something positive instead. Give the cruisers somewhere to go. What about an organised event at Seighford? Get the Police along, to do hearts and minds. Local catering college to provide refreshments. There is already a driving school there.
- Police the wrong and stop attacking the innocent bike riders.
- Car cruisers won't know there is a PSPO in place anyway. What it needs is some proactive action by police, getting out there and doing their job,



stopping, warning, or arresting law breakers, not just some blanket ban written up by someone from the comfort of an office.

- I can only speak for bikers who are in a bike club, where the rides are organised. They bring a lot of money to towns and villages. However, you should be clamping down on the idiots who ride with no crash helmets and wear balaclavas to hide their faces.
- So if I meet my daughter in the town and follow her to a place to eat, shop etc., you'd ban this! This makes no sense at all. It would just mean we are not welcome to shop or eat in the area.
- Rather than issuing an Orwellian and authoritarian PSPO which will immiserate many responsible vehicle enthusiasts, why not specifically target drivers who frequently engage in antisocial road use and leave responsible drivers and riders alone?
- Plenty of sensible legislation already exists to deal with this problem, it simply needs to be used!
- If it's for car cruising only. NOT to include motorcycles with legal pipes.
- How can you impose this 'so called law' on to motorbike riders? I ride my motorbike around different parts of Staffordshire a lot and I have never seen any issues being caused by other motorbike riders. I have been out in groups of other riders and no laws have ever been broken. You are condemning the majority for the actions of a few. This law cannot be imposed on the majority of the motorbike community.
- Plenty of laws to deal with the antisocial behaviour of motorists already exists. Use that instead of bringing in this new legislation that will impede on the activities of large numbers of people unrelated to those you are aiming to target. You risk criminalising legitimate and normal behaviour and losing the trust, respect and consent of regular, law-abiding citizens. I note that the proposed order does not specifically target cars. And also that it seeks to effectively ban legal activities. Sufficient powers exist already to disperse crowds and those causing a nuisance through temporary orders. And of course, any illegal driving can be handled by police in the usual way.
- This is frankly really ill conceived. Every point that you are trying to address is ALREADY legally actionable. This attempt at place a wrapper around a multitude of various offences will only serve to increase cost to the public purse as fines/charges are challenged if brought under the new 'wrapper' as opposed to the current individual offences. The only way to address this is policing of current law not introducing new. It is also particularly difficult and unfair to apply to motorcyclists.
- Firstly, your proposal is not limited to just car cruising. If you are driving in a convoy an offence this could be applied to any type of vehicles travelling in a group i.e. motorcycles, lorries, cars or vans where would it end? Performing stunts, when done in an appropriate environment i.e. an open bounded space is not a problem. Then there is the question of what is the definition of stunts? While I would agree that driving outside the conventions laid out by the highway code should be dealt with in an appropriate manor, it is not the responsibility of a public body to determine what is appropriate and what is

not. This is a legal matter and should be left to the police to adjudicate on this. There are already laws around reckless driving and dangerous driving, if an offense has been committed then the law should be enforced. With regards the repeatedly sounding horns the highway code has a clear definition about when this should be done. If this is not happening within those guidelines, then the police should act. While I agree that loud music, especially when it is not to your taste, can be annoying it should not be up to a public body to determine what is and isn't offensive. I am sure that the people determining this local ruling were young once and also played loud music that offended someone. This should be dealt with by engagement not by oppression. Again, if this is such a problem there are laws that could be enforced around the public playing / or broadcasting of music without a licence or permission of the music owner. This should also be enforced using existing laws. While the use of foul or abusive language can be upsetting. There is supposed to be such a thing as free speech, although that appears to be less tolerated these days. With that being said, who is determining what is foul or abusive language. After all, during these current times it appears anything can be construed as foul or abusive language. What happened to 'sticks and stone may break my bones, but names will never hurt me'? It strikes me people are far too easily offended these days. With regards to threatening, intimidating behaviour towards another person, there are very clear laws around this and again they should be enforced. It is not up to a public body to decide what is threatening or intimidating behaviour. Obstructing a public highway or place. Again, there are already laws in place regarding this and the law should be enforced. We the public do not need or want even more restrictive prohibitions foisted upon us. Promoting, organising or publicising car cruising seems more like the prohibition of like-minded individuals getting together to enjoy a common interest. Where does this type of fascist behaviour end, oh I don't like that knitting club because they've said something I don't like. Extreme I know, but hopefully it gets the point across. If this is such a problem, then have a conversation with the organisers and maybe offer a mutually advantageous location at no cost. Work with the public not against, build consent and stop trying to enforce your ideals. Lastly before you dismiss these comments as being from someone who is not directly affected, please bear in mind that the problems you are having are not just present in your borough, they are nationwide, and we also have the same problems where I live.

- Yes to banning cars and drivers that cause trouble, but motorbikes are not cars so shouldn't be included in your ban. It's a question of freedom of movement. And of personal freedom of the individual. So myself and my good friend Richard would be banned from visiting you as we ride motor bikes? It's like something the Nazis or Stalin could only dream up. I'm objecting as it could be the policy of Bath or Bristol or of London.
- Car cruising and nuisance are two different things entirely. A blanket ban like this is a hammer response to crack a nut. Deprivation of people's freedom to meet and socialise is reminiscent of the worst aspects of the Covid pandemic. I regularly meet with a friend or two and even my son to go for a ride on our

motorbikes obeying the rules of the road. A blanket ban is what I would expect from a totalitarian state not a democracy!

- Unfair to motorcyclists, does it include push bikes?
- Response from the British Motorcyclists Federation (BMF) to the Consultation launched by Newcastle-under-Lyme Borough Council on the Proposed Implementation of a Public Space Protection Order (PSPO) to Deliver Borough-wide Prohibitions on Car Cruising  
The British Motorcyclists Federation (BMF) welcomes the opportunity to respond to the proposal by the Borough Council on the proposed implementation of Public Space Protection Order (PSPO) for car cruising following an increase in car cruising incidents across the borough. The BMF is also a leading member of the National Motorcyclists Council (NMC) who broadly support the aims and objectives of the BMF. The BMF does not have any objections to this response being reproduced or attributed. Summary of the BMF Position  
The BMF fully supports the need to address and tackle anti-social behaviour across all parts of society, in particular where such behaviour is causing a danger to road users, including pedestrians, or poses a significant risk to safety and/or of damage to property through, for example, speeding, racing, dangerous driving or the performing of stunts on the public highway. The BMF is also fully supportive of the Borough Council's stated intention to ensure that communities are able to enjoy living in a safe environment through the prohibition of anti-social and dangerous driving. As one of the largest motorcycle rider organisations in the UK, the BMF works very closely with a number of partners, including central and local government representatives, Ministers and international partners to improve road safety for the benefit of all road users. Whereas the BMF does not object to the Borough Council's plans to prohibit car cruising in public places across Newcastle-under-Lyme, following an increase in car cruising incidents across the Borough and a subsequent rise in complaints from residents and businesses, the BMF does have significant concerns that there may be wider unintended consequences and unexpected detriment to other law-abiding road users, including motorcyclists, which may occur in addition to the desired effect of the policy under the Council's current PSPO proposals. The BMF therefore strongly recommends that the Borough Council carefully re-considers the breadth and effect of the proposed PSPO, as well as the specific need to implement a PSPO, and consults closely with all relevant stakeholders, including the local Police, so as to ensure that the design and evaluation techniques underpinning the Council's policy intent, and the specific prohibited activities to be included in any PSPO, deliver solely the intended outcome as set out by the Borough Council under the Consultation launched on 26 July 2024 i.e. to implement a PSPO specifically to prohibit car cruising across Newcastle-under-Lyme. Importantly, in adopting a collaborative and consultative approach with relevant stakeholders, including those who may be inadvertently affected by the proposed PSPO, the Borough Council should actively seek to avoid unexpected and unintended impacts on other legitimate and law-abiding road users as a result of the implementation of the proposed

PSPO. The BMF is aware that the Police and Newcastle-under-Lyme Borough Council already have existing powers to tackle anti-social behaviours through a broad framework of legal powers and other tools set out in the Anti-Social Behaviour, Crime and Policing Act (2014), including the ability to issue, for example, Criminal Behaviour Orders and Community Protection Notices, as well as wider Civil Injunction and Dispersal Powers. It is not evident from the information provided by the Borough Council, as part of the current Consultation, whether other options to curtail car cruising across the borough have been considered before pursuing the implementation of a PSPO. Given that PSPOs represent the “nuclear” option, as they can significantly restrict what people can do and how they behave in public spaces, and given that the Borough Council’s proposal is for the proposed PSPO to be in place for a 3 year period, it will be important for the Borough Council to ensure that any restrictions imposed through a PSPO are very tightly focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are strictly necessary to prevent it from continuing, occurring or recurring. It is also incumbent upon the Borough Council, under current official PSPO guidelines for councils, to ensure that their proposals to implement a PSPO are a reasonable and proportionate response to the problem of car cruising, or are needed at all, given other powers and tools available to the Borough Council and the Police to curb anti-social behaviour. The Borough Council also needs to demonstrate that by introducing a blanket ban on car cruising activity across Newcastle-under-Lyme this will not simply displace the particular behaviour of car-cruising and create victims elsewhere who were never intended to fall under the PSPO restrictions; for example legitimate motorcycle club gatherings, charity motorcycle ride-outs, or indeed other legitimate motorcycle use across the borough, including the use of motorcycles and other powered two wheelers, for leisure, commuting and training purposes; where, for example, learner motorcyclists are regularly taken out on the public highway together in convoy with their official trainers and examiners to improve riding skills and for test purposes.

Consideration In formulating this response, the BMF has considered the proposed plans and intended policy outcomes set out by the Newcastle-under-Lyme Borough Council as part of its public consultation. The specific background and objectives of the proposed PSPO are set out on the Newcastle-under-Lyme Borough Council website and are stated as follows: “ Residents and other stakeholders are being asked for their views on plans to prohibit car cruising in public places across Newcastle-under-Lyme for a three-year period. Newcastle-under-Lyme Borough Council has launched a consultation exercise on a draft public space protection order (PSPO) it has created following an increase in incidents across the borough and a subsequent rise in complaints from residents and businesses. The proposed order - the first of its type in the Borough - prohibits any meeting of two or more motor vehicles, including motorbikes, on local roads or public spaces at all times where any such vehicle or occupant engages in any behaviour considered to be car cruising, including the following specific activities:

Causing a danger to other road users, including pedestrians, or a significant risk of damage to property by either speeding or racing. Driving in convoy  
 Performing stunts Repeatedly sounding horns Playing music excessively loud  
 Using foul or abusive language Using threatening, intimidating behaviour towards another person  
 Obstructing a public highway, or public place, whether moving or stationary  
 Promoting, organising or publicising car cruising via e-mail, the internet, Facebook, X or similar social media, or any publication or broadcast.”

Conclusion In considering Newcastle-under-Lyme Borough Council’s proposals, and its stated intent to introduce a PSPO specifically to address the problem of car cruising across the borough, the BMF notes that the proposals as they stand appear to go further than the stated intent to simply address car cruising, and instead may also curtail the ability, for example, of two or more motorbikes from meeting on local roads or public spaces. As such, the specific activities to be prohibited, which the Borough Council has clearly set out to underpin the proposed PSPO, are in the view of the BMF, neither proportionate nor reasonable in their current form and are likely to result in unexpected and unintended impacts on other legitimate and law-abiding road users, such as motorcyclists.

The following comments were received from respondents who were neither in support nor opposed to the introduction of the PSPO

- There are several motorcycle groups within the area prescribed. Should they arrange to meet at a location within that area, is that considered cruising? Likewise, if 2 or 3 motorcycles are travelling in convoy does that mean they are going to be prosecuted? I have had to actively search for this and yet I live quite close to the A34 where some cruising has happened, also they have used our street to avoid detection.
- While I appreciate that the behaviours of some members of the motoring and motorcycling communities may cause erosion of the quality of life for residents there are certain activities which motorcyclists undertake which are inherently communal. Training, both at an entry level or IAM level, inherently involved riders in convoy, to allow the instructor to observe riding behaviour / characteristics in order to assess & advise on areas for improvement. Surely this cannot be at the discretion of an officer? Any PSPO needs to be drafted to allow legitimate use of highways and remove the subjectivity of an individual officer (while retaining officer discretion - yes, I agree that this is a paradox, however I can't see how this can be drafted while allowing legitimate, indeed necessary, highway use for motorcyclists). "The road to hell paved with good intentions" etc. Surely there is sufficient legislation already (there certainly seemed to be when I was riding!) and the issue is more of resource - removal of liberty because it is difficult to apply existing legislation isn't an excuse for further legislation. How many prosecutions for loud / unacceptable exhausts have been made in the borough in the last 5 years? It will be the same motorists engaging in the antisocial behaviour you're after targeting and there is legislation available, although it requires police focus.

- This order should not include classic vehicles i.e. over 40yrs old which regularly drive and ride in groups very responsibility for leisure, shows, runs, etc.
- I have a classic motorcycle and on regular occasions enjoy meetings with my friends who also have classic bikes. We would go for a gentle ride on our bikes towards say Whitmore and then back stopping at a tea house somewhere. Does this proposal mean we can no longer do this. What happens when we have a club night? Will we no longer be allowed to ride to the meeting place? Will we have to arrange a timetable so only one person is on the road at any given time?

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee**  
**29 October 2024**

**Report Title:** **PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2025/2026**

**Submitted by:** **Service Director - Regulatory Services & Licensing Administration Team Manager**

**Portfolios:** **Finance, Town Centre & Growth**

**Ward(s) affected:** **All**

**Purpose of the Report**

To request the Public Protection Committee to consider the proposed taxi and private hire fees prior to consultation, as referred to in the report.

**Recommendation**

- a) That the Public Protection Committee considers the proposed fees.
- b) That the proposed fees be sent out for consultation.
- c) That following consultation a further report is brought to Committee.

**Reasons**

Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to Public Protection Committee.

1. **Background**

- 1.1 The approval of certain fees and charges relating to the licensing of Private Hire and Hackney Carriage licensing regimes are Council functions
- 1.2 Council at their meeting on 22nd February 2017 delegated this function to Public Protection Committee.

2. **Issues**

- 2.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states the local authority may charge fees for Operator and Vehicle licence fees and that if it is proposing to vary the fees then it must publish a notice in at least one local newspaper. The notice must provide for a consultation period, not less than 28 days from first publication to allow for objections to be made. This notice must also be displayed at the Council offices.
- 2.2 Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 states the local authority may charge fees for Driver licence fees. Consultation is not required by

legislation but is considered good practice to consult alongside any changes to Operator and Vehicle licence fees.

- 2.3 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators.

Section 10, subsection 2 of the Deregulation Act 2015 changed the law in such a way as to establish a standard duration of three years for hackney carriage and private hire driver licences. The section specifies that a licence may be granted for a period of less than three year but only in circumstances of an individual case, not because of a blanket policy.

Subsection 3 of the Act changed the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of blanket policy.

- 2.4 The European Services Directive states (Art 12.2):

*“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”*

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

- 2.5 In December 2019 the Court of Appeal in the case “*R (on the application of Abdul Rehman, on behalf of the Wakefield District hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166*” confirmed that there is no general principle that the taxi licensing fee regime should be self-financing and that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) LGMPA76. The judgement stated (para 46):

*“In any event, we consider that the costs of enforcing the behaviour of licensed drivers can be recovered through the driver’s licence fee under section 53(2). The relevant words in that provision are “the costs of issue and administration”. The costs of “administration” must be something other than, and in addition to, the costs of “issue”. There is no difficulty in interpreting “administration” in its statutory context as extending to administration of the licence after it has been issued. It naturally includes the costs of suspension and revocation, which are events expressly mentioned in Part II of the 1976 Act. Suspension and revocation rest on non-compliance with the requirements and conditions for continuing to hold the licence. As we have said, it would therefore have been obvious to Parliament, when enacting the 1976 Act, that costs would be incurred by the district council in monitoring compliance with such requirements and conditions.”*



### 3. Proposal

3.1 In December 2023 the Committee determined to agree the proposed fees for 2024-25 following public consultation. The Licensing Department have undergone the annual review and fee setting methodology to propose fees for 2025-26. The table at 3.2 shows:

Column a – The licence/process the fee is for;  
 Column b – The current fee structure;  
 Column c – The proposed fees for 2025-26; and  
 Column d – the percentage difference between columns b (current) and c (proposed).

3.2 The proposed fees and charges are:

a	b	c	d
<b>Private Hire/Hackney Carriage (subject to consultation)</b>	Fee/Charge 2024-25 (£)	Proposed Fee/Charge 2025-26 (£)	% Change
<b><u>OPERATORS</u></b>			
PHO Application fee	£329.00	£330.00	0.30%
Add/Remove Director	£45.00	£46.00	2.22%
Copy/Replacement Licence	£8.00	£8.00	0.00%
Basic DBS	£18.00	£18.00	0.00%
NEW - Director/Licence holder - Change of home address	N/A	£18.00	N/A
NEW - Exemption Request	N/A	£51.00	N/A
<b><u>DRIVERS</u></b>			
Dual Driver Badge - 3 years	£250.00	£261.00	4.40%
Change of address	£18.00	£18.00	0.00%
Replacement badge (vehicle or driver copy)	£15.00	£16.00	6.67%
Reissue/replacement badge (with amended details)	£31.00	£33.00	6.45%
DBS (CRB check)	£38.00	£38.00	0.00%
DBS (CRB check) online	£64.34	£64.34	0.00%
Exemption certificates	£15.00	£16.00	6.67%
Knowledge test	£20.00	£13.00	-35.00%
Fail to attend Knowledge Test	£20.00	£13.00	-35.00%
Change of Name	£21.00	£22.00	4.76%
DE Training replacement cert	£0.00	£0.00	N/A
Copy of Paper Licence	£8.00	£8.00	0.00%
Disability & Safeguarding Training	£40+VAT	£40+VAT	0.00%
NEW - Exemption Request	N/A	£51.00	N/A
NEW - Application Support appointment	N/A	£18.00	N/A
<b><u>VEHICLES</u></b>			
HCV application fee	£186.00	£193.00	3.76%

PHV application fee	£173.00	£182.00	5.20%
Transfer of vehicle	£45.00	£46.00	2.22%
Change of vehicle registration	£52.00	£54.00	3.85%
Failure to attend for vehicle test	£73.00	£76.00	4.11%
Retest	£31.00	£32.00	3.23%
Replacement plate carrier – front	£11.00	£11.00	0.00%
Replacement plate carrier – rear	£13.00	£14.00	7.69%
Replacement vehicle plate - front	£9.00	£9.00	0.00%
Replacement vehicle plate - rear	£12.00	£13.00	8.33%
Replacement vehicle sticker signage	£6.00	£6.00	0.00%
Copy of paper part of licence	£8.00	£8.00	0.00%
Change of Vehicle Colour	£52.00	£54.00	3.85%
HCV/PHV safety test	£79.00	£82.00	3.80%
Basic DBS	£18.00	£18.00	0.00%
Change of Name/Address	£45.00	£46.00	2.22%
Spot check	£23.00	£23.00	0.00%
Replacement Internal Plate	£8.00	£8.00	0.00%
NEW - Exemption Request	N/A	£51.00	N/A
NEW - PHV change of base	N/A	£18.00	N/A
NEW - Copy of HCV Tariff sheet	N/A	£3.00	N/A

3.3 It is recommended that the fees are set in line with the provisions of the 1976 Act, the Local Government Association fee setting guidance, the Council's taxi licensing policy and the principles outlined in section 7.3 below.

3.4 The majority of fees have either remained the same with a 0% increase, have a small percentage increase due to similar costs being involved or higher percentages that reflect a small monetary increase on a low fee (e.g. Replacement plate carrier – rear increasing from £13.00 to £14.00, a 7.69% increase). This is down to a balance of the increase in Council costs and efficiencies realised as part of the One Council project.

3.6 The only fee that is being proposed to decrease significantly is the taxi knowledge test. This is due to the previous fees having included the officer time in the creation of, testing and setting up of the test and its database. That officer time has now been recouped and therefore we can not continue to charge.

3.7 There have been a number of new potential fees identified which are elaborated on below:

- NEW - Director/Licence holder - Change of home address. During the past 12 months there have been a small number of occasions where a company director attached to an operator licence has changed personal address. This required an updated licence to be created but as no fee was set, none could be charged;
- NEW - Exemption Request – The Council regularly receive requests from licence holders to be exempt from certain policy requirements. Those that require Sub-Committee approval are costed for within the general licence application fees, however those that are determined by officers do not have a fee to them and as such are currently administered without charge, contrary to the LGA fee setting guidance;
- NEW - Application Support appointment – During the pandemic the Council moved to an almost entirely digital application process. It is apparent that not all applicants are

conversant with digital systems and some have required manual/in person assistance. These applications take longer to administer by requiring the Council to print/copy/scan documents and spend more time corresponding with various parties. Whilst there is no intention to disadvantage those who genuinely require further assistance, the Council should seek to recover all reasonable costs in administering the service;

- NEW - PHV change of base – There is already a requirement for the Council to be notified when a driver/vehicle moves to a different or additional operator. Currently when the notifications are made the back office systems are updated but no evidence is provided to the licence holder. The Council intend to charge the proprietor for the vehicle a fee when submitting their notification and then an updated licence will be sent to the driver, proprietor, new and/or old operators so that all parties involved are aware. It is a system that works well in Stoke City Council and several of the trade have requested we introduce; and
- NEW - Copy of HCV Tariff sheet – all Hackney Carriages should display a copy of the tariff sheet for metered fares. The Council will supply one copy free of charge and then if the proprietor requires a replacement then there will be an administrative fee for that.

#### 4. **Reasons for Proposed Solution**

- 4.1 a) That the Public Protection Committee considers the proposed fees.
- b) That the proposed fees be sent out for consultation.
- c) That following consultation a further report is brought to Committee.

#### 5. **Options Considered**

- 5.1 The Council is required to set fees for private hire and hackney carriage licenses for 2025/2026. The fees proposed are based on cost recovery.

#### 6. **Legal and Statutory Implications**

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 contains the legal provisions and process relating to the setting of fees, this is detailed in sections 2.1-2.3 of this report.

#### 7. **Equality Impact Assessment**

- 7.1 Not applicable

#### 8. **Financial and Resource Implications**

- 8.1 The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, sections 53(2) and 70.
- 8.2 There will be financial implications for the Council if full cost recovery is not achieved.
- 8.3 The fees can be used to cover the cost of the following:

**Administration** – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

**Initial visit/s** – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include ‘on-costs’ in this

calculation. Councils will need to consider whether 'on-costs' include travel costs and management time.

**Third party costs** – Some licensing processes will require third party input from experts.

**Liaison with interested parties** – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

**Management costs** – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time referenced below.

**Local democracy costs** – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

**On costs** – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

**Development, determination and production of licensing policies** – The cost of consultation and publishing policies can be fully recovered.

**Advice and guidance** – This includes advice in person, production of leaflets or promotional tools, and online advice.

**Setting and reviewing fees** – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

**Enforcement** – This includes action required when investigating and enforcing against licensed drivers, vehicle proprietors and private hire operators.

## 9. Major Risks

9.1 The Council will be open to challenge should the calculation of the fees and charges prove to be contrary to the Act.

9.2 Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

## 10. UN Sustainable Development Goals (UNSDG)

10.1

8 DECENT WORK AND  
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION  
AND INFRASTRUCTURE



## 11. Key Decision Information

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 22<sup>nd</sup> February 2017 – Full Council

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 [LGA Guidance on Local Fee Setting](#)

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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO PUBLIC PROTECTION COMMITTEE**

**29 October 2024**

**Report Title:**           **Taxi and Private Hire Licensing Policy 2025-2030**

**Submitted by:**        Service Director – Regulatory Services & Licensing Administration  
Team Manager

**Portfolios:**            Finance, Town Centres & Growth

**Ward(s) affected:**    All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>To notify the Committee of the proposed amendments to the Taxi Licensing Policy Documents as part of the scheduled Policy review with a request to go out for external consultation.</p>	
<p><b><u>Recommendation</u></b></p> <p><b>That Committee:</b></p> <ol style="list-style-type: none"> <li><b>1.   Review the proposed policy document; and</b></li> <li><b>2.   Approve that the policy document is sent out for a 12 week consultation with the trade and relevant stakeholders before coming back to Committee for a final decision.</b></li> </ol>	
<p><b><u>Reasons</u></b></p> <p>The current taxi licensing policy was first introduced in November 2019 following a wholesale review of the previous policy, which underwent an extensive consultation in 2018-2019. The policy has been amended on several occasions since that date to reflect legislative changes and statutory guidance, and following review of specific provisions that were no longer deemed necessary. In 2021 the policy was issued with a 5-year period and a review date of 2025. The Government released updated Best Practice Guidance in November 2023 and this proposed policy has been drafted having regard to this guidance.</p>	

**1.   Background**

**1.1**   The Council’s current Taxi and Private Hire Licensing Policy was implemented on 1<sup>st</sup> November 2019. The policy included a widescale reform of the Council Taxi licensing policy and procedures. Due to the scale of changes, and at the request of the trade, the initial 12-week consultation period was extended for a further 12 weeks.

- 1.2** Since its implementation the policy has been reviewed and amended on six occasions. In 2021 the policy was amended having had regard to new Department for Transport (DfT) Statutory Guidance and to extend the life of the policy to 5 years, between 2022-2024 it was amended to reflect changes in what was considered best practice and amended certain application requirements for vehicles (e.g. tinted windows) and drivers (e.g. removing the requirement for a BTEC qualification).
- 1.3** The current policy end date is 2025 and as such is due for review.
- 1.4** The DfT also issue non-statutory Best Practice Guidance (BPG) in relation to taxi licensing. In November 2023 the DfT issued an update to that guidance document which was last updated in 2010.

## **2. Issues**

- 2.1** The Council's primary and overriding priority when considering taxi licensing is to protect the public. To achieve this the Council have a comprehensive and cohesive policy that has been through numerous consultations and the scrutiny of the Public Protection Committee. The policy reflects the Council's position on eligibility, suitability and the requirements of those in the taxi trade or wishing to enter it.
- 2.2** Having regard to the updated DfT BPG from 2023, and following discussions with neighbouring local licensing authorities, officers have drafted an amended policy document which is attached as **Appendix A**.
- 2.3** There are a large number of proposed amendments, as detailed in the summary document attached as **Appendix B**. The vast majority relate to typographical amendments and clarifications, removal of duplicated or inconsistent sections, removal of application criteria that can be sourced elsewhere and the updating of out of date information such as web URLs.
- 2.4** However there are a number of significant amendments proposed which are discussed below:
1. Vehicle Criteria – amending from a maximum age policy and vehicle body type for licensing of vehicles to an emissions and fuel type criteria, providing a timescale for when the Council will cease to licence certain vehicles due to their use of internal combustion engines;
  2. Reinstating Grandfather rights for Hackney Carriage Vehicles when transferred between proprietors;
  3. Removal of vehicle door livery;
  4. Removal of Suitability Guidelines appendix from the policy and treat as a separate document;
  5. Removal of requirement for licence holders to sign an acceptance of receipt of licence code of conduct and/or conditions;
  6. Amendment to the Knowledge Test from requiring an application to achieve 75% in each section, to them requiring to achieve 75% overall.



- 2.5 The proposal to amend the vehicle criteria to be based on the emissions levels and fuel type of vehicles stems from the updated DfT BPG which states at section 8.4:

*“Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.”*

The proposal is that:

- 1) With effect from 01 April 2025, the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 2) From 01 April 2025, until 31 March 2026, the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 3) From 01 April 2027, the Council will stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 4) On 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 5) On 31 March 2035, the Council will stop the licensing of hybrid vehicles and all vehicle that do not have Zero tailpipe emissions.
- 6) All vehicles over the age of 10 years will be subject to Council Safety inspections every 6 months. 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.

When licensing a vehicle for the first time the Council encourages proprietors to review the Euro NCAP safety rating of the proposed vehicle to consider the safety benefits to passengers, drivers, pedestrians and drivers of other vehicles by licensing a higher rated vehicle.

More details can be found at: <https://www.euroncap.com/en>

Officers have discussed this timeline with colleagues at Stoke-on-Trent City Council who will also be proposing the same criteria to their trade in their upcoming policy review. The proposals are based on a set of criteria

implemented by Cannock Chase District Council which have been suggested as a best practice by the Staffordshire County Council Taxi Carbonisation working group.

**2.6** The proposal to reinstate the grandfather rights for Hackney Carriage Vehicles when transferred between proprietors comes following a request from the Hackney Carriage Trade Association. The rights were originally removed in 2019 following a number of below standard vehicles being transferred to individuals without their knowledge that the vehicles were no longer fit to be licensed. The proposal to reintroduce these rights is based on there being alternative actions that can be taken by the Council when a vehicle falls below an acceptable standard, both in relation to the vehicle and the person that has sold it in that condition. Officers' opinion is that it would benefit the vast majority of those in the Hackney Carriage trade and result in more vehicles being added to the fleet.

**2.7** The proposal to remove door livery is inline with section 8.12 of the DfT BPG document. It is the Department's position that "*..licensing authorities should seek to differentiate the profile of private hire vehicles [from Hackney Carriages (sic)] as these can only be legally engaged through a booking with a licensed operator*" and "*... should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi..... Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.*

*This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'has a taxi sign on the roof' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it."*

The current policy provides that both hackney carriage and private hire vehicles should display an additional door sticker that denotes what type of vehicle it is. However having spoken to our colleagues at Stoke City Council, who also intend to remove this requirement, and the recent amendment to Wolverhampton Council's policy removing all livery except for a rear licence plate from their vehicles, the Officers' view is that to promote the consistency identified in the BPG the Council should also seek to remove requirements for door livery.

**2.8** The proposal to remove the Suitability Guidelines from the Policy document is due to the current Institute of Licensing consultation on the model guidelines. Officers' view is that it would be best to have the guidelines as a standalone document that can be reviewed and amended as required without the need for a policy review process. The intention remains that the Council will continue to use the same guidelines until such a time as they are updated and amended.

**2.9** The proposal to remove the requirement for licence holders to sign their attached conditions and code of conduct has been made as there is no statutory requirement for this to take place, the Council do not currently insist

on the licence holders doing so, and it is the intention that in the near future all licences will be sent electronically rather than providing a hard copy.

- 2.10** The proposal to amend the taxi knowledge test from a pass rate in multiple sections to a pass mark overall is aimed to simplify the test for the individual taking it, for the marking of the test by staff and to source an alternative platform for the test. Officers' believe that this will promote more applicants to take the test without having a negative impact on the overall quality of those passing the test.

### **3. Recommendation**

- 3.1** Review the proposed policy document; and
- 3.2** Approve that the policy document is sent out for a 12 week consultation with the trade and relevant stakeholders before coming back to Committee for a final decision.

### **4. Reasons**

- 4.1** The Council's taxi licensing policy is due to be reviewed in 2025. The publication of the Department for Transport's updated Best Practice Guidance and amended, or planned amendments from other local authorities whose licensees work in the area have been taken into account when drafting this proposal.

### **5. Options Considered**

- 5.1** To not review the taxi licensing policy and simply extend the current provisions.
- 5.2** Alternatives to the proposed amendments have been considered but not included as it is felt that the proposals achieve the Council's duty to protect the public whilst updating the provisions.

### **6. Legal and Statutory Implications**

- 6.1** The Council must have a comprehensive and cohesive policy that covers taxi licensing. There is no statutory requirement to adhere to the provisions of the DfT BPG but it is a significant change from the 2010 version and Officers' felt it was correct to review the policy against this guidance.

### **7. Equality Impact Assessment**

- 7.1** None carried out to date.

### **8. Financial and Resource Implications**

- 8.1** There will be resource implications during the consultation period with the trade and stakeholders, and post consultation when reviewing the policy to be returned to Committee. These resources will be met by current staffing levels.

## 9. Major Risks & Mitigation

9.1 None identified

## 10. UN Sustainable Development Goals (UNSDG)

10.1



## 11. Key Decision Information

11.1 Not applicable

## 12. Earlier Cabinet/Committee Resolutions

- 12.1 August 2019 – Licensing & Public Protection Committee
- 12.2 January 2021 – Licensing & Public Protection Committee
- 12.3 February 2022 - Licensing & Public Protection Committee
- 12.4 December 2023 - Licensing & Public Protection Committee
- 12.5 April 2024 - Licensing & Public Protection Committee

## 13. List of Appendices

- 13.1 Appendix A – Draft Proposed Taxi Licensing Policy 2025-2030 for consultation
- 13.2 Appendix B – Summary of changes in Draft Proposed Taxi Licensing Policy 2025-2030

## 14. Background Papers

- 14.1 [Taxi Licensing Policy 2021-2025](#)
- 14.2 [Department for Transport Statutory Guidance for Taxi Licensing 2020](#)
- 14.3 [Department for Transport Best Practice Guidance 2023](#)



**NEWCASTLE · UNDER · LYME**  
**BOROUGH COUNCIL**

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

**TAXI LICENSING POLICY**

**2021-2025 2025-2030**

~~30<sup>th</sup> April 2024~~ 1<sup>st</sup> April 2025 version 165

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Version	Date	By	Summary of Change
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<del>1.4</del>			<del>Comments from</del>
<del>2.0</del>	<del>18.8.17</del>	<del>MBU</del>	<del>Amendments following working groups</del>
<del>3.0</del>	<del>17.11.17</del>	<del>MBU</del>	<del>Amendments following correspondence with Outside Bodies</del>
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<del>6.0</del>	<del>30.7.18</del>	<del>MBU</del>	<del>Amendments following discussions with HoEH</del>
<del>7.0</del>	<del>30.8.18</del>	<del>MBU</del>	<del>Amendments following Internal Consultation</del>
8.0	28.6.19	MBU	Amendments following decisions by Public Protection Committee on 11 <sup>th</sup> June 2019
9.0	30.11.19	MBU	Amendment to Appendix L ( <del>removed in 2025</del> ) 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
14.0	9.6.23	MBU	Amends re: Taxi Knowledge Test
15.0	30.4.24	MBU	Amends re: Tinted windows
<u>16.0</u>	<u>1.4.25</u>	<u>MBU</u>	<u>Full Policy review incorporating DfT Best Practice Guidance</u>

<b>Approval Signature</b>			
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 Council's key corporate priorities of:

- Local Services that Work for Local People One Council delivering for local people;
- Growing our People and Places A successful and sustainable growing borough;
- Healthy, Active and Safe Borough Communities; and
- A-Town Centres 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](mailto: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 ~~26<sup>th</sup> January 2024~~XXXXXXXX.

## 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~~J 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 and local policy.

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 ~~44XXX~~. 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 unless it falls into a category contained within section 1.4.2.

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; or
- 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 ~~is, 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](http://www.ico.gov.uk)). Enquiries regarding the Council’s use of personal data should be addressed to the Councils Data Protection Officer at [dataprotection@newcastle-staffs.gov.uk](mailto:dataprotection@newcastle-staffs.gov.uk)

- 1.5.4 The Policy and associated conditions do not seek to 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 **800550+** drivers, **7065+** operators, **500450+** private hire vehicles and **150120+** 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 ~~of~~ 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, Public Protection Sub-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 ~~and~~, 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 legislation,
- 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, where possible.

- 2.4.9 Suspension, Immediate 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 [making an](#) 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. ~~Notwithstanding the 6 month period, all renewal applications must be submitted in full prior to the licence expiry. 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-barringservice/about>

The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation provided:-

- It is for 'other workforce';
- It includes both of the Barring checks;
- It is for the same job role (Taxi Driver or Taxi Licensing);
- It is presented to the Council for verification within 3 months of issue date of the certificate and prior to the expiry of the relevant licence;
- 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. The Council may use a third-party provider to conduct the update service checks. Should the licensee not keep their DBS update service subscription current then the Council may take action against that licensee until a new DBS certificate is obtained.**

- 3.1.4 ~~Any applicant who has, in the 10 years before the application is made, spent 12 months or more (whether continuously or in total) while aged 18 or over living outside the United Kingdom. Where an applicant has spent an extended period of time overseas and hence their DBS record is incomplete the authority will be required 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><https://www.staffordshire.gov.uk/Education/School-Transport/Under-16/Mainstream-Travel/Eligible/Travelling-on-school-transport.aspx>~~

The Transport and Connected County Unit can be contacted by email at:

[transportcontracts@staffordshire.gov.uk](mailto: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 'NR3S' 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 1<sup>st</sup> December 2016 the~~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 ~~one~~ 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:stated at section 1.2.4 of the policy.~~

~~“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.

### Application requirements – New dual driver

- 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 for a new dual driver licence must:

- ~~Be over 21 years of age~~
- Pay the fee full fee for the application
- Submit a completed application form
- 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 in the correct workforce and with correct job role 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; that meets the requirements of a passport photograph;
- 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~~ Provide the certificate for the joint Disability Equality and Safeguarding and Child Sexual Exploitation Training approved by the Council completed 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. This will be carried out during the applicant's appointment for the taxi knowledge test and any correspondence relating to their application.

#### Application Requirements – Renewal of dual driver licence

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 in the correct workforce and with correct job role 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 a digital photograph that meets the requirements of a passport photograph;
- ~~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 the certificate for the joint Disability Equality and Safeguarding and Child Sexual Exploitation Training approved by the Council completed 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;~~
- ~~Pass Disability equality training approved by the Council within the previous 3 months (from 1<sup>st</sup> January 2023)~~
- 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~~Provide a DVLA online check code;
- Provide a tax share 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.

Any documentation that has been provided in a previous application which is still up to date, relevant and provided in full can be considered as part of the renewal application. The licensing department will have final say as to whether historic documentation is sufficient to be considered as part of the new application in accordance with this policy.

- 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. ~~Potentially relevant documentation provided as part of the previous application will be considered as part of the new application at the Council's discretion.~~

~~Once a licence has been granted, dual driver licence holders will be required to abide by the Council's Driver Code of Conduct which can be found in Appendix B and all other policy requirements as appropriate. The main legal requirements of the driver licence are as follows. The full driver code of conduct is shown in Appendix B. The main legal requirements of the driver licence are as follows.~~

#### Production of documents

- ~~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 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.

#### Vehicle Criterias

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, the plates will be issued authorising the maximum number of passenger seats that can be used at any one time. 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.~~

~~3.3.12 When licensing a vehicle for the first time the Council encourages proprietors to review the Euro NCAP safety rating of the proposed vehicle to consider the safety benefits to passengers, drivers, pedestrians and drivers of other vehicles by licensing a higher rated vehicle.~~

~~More details can be found at: <https://www.euroncap.com/en>~~

#### 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. These Grandfather Rights may be transferred from one proprietor to another when a hackney carriage vehicle is transferred between those two parties. Once a hackney carriage vehicle licence expires or lapses, the Grandfather Rights will cease to have any effect.~~

#### 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) **(New vehicles only)** 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; The Council will carry out checks on the gov.uk checking facility prior to granting a licence, and may carry out periodic checks during the course of the licence period;~~
- 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~~ that a vehicle has not undergone an MOT test 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 for vehicles less than 10 years old is once per year. For vehicles over 10 years old then the frequency is every 6 months. 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~~ and 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~~ [Department for Transport guidance: Private Hire Vehicle Licensing - A note for guidance from the Department for Transport \(August 2011\) and any other subsequent Government issued guidance. Private Hire Vehicle licensing guidance note:](#)

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/private-hire-vehicle-licensing-guidance-note>

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.

#### Vehicle Criterias

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, the plates will be issued authorising the maximum number of passenger seats that can be used at any one time. (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.~~

~~3.4.10 When licensing a vehicle for the first time the Council encourages proprietors to review the Euro NCAP safety rating of the proposed vehicle to consider the safety benefits to passengers, drivers, pedestrians and drivers of other vehicles by licensing a higher rated vehicle.~~

~~More details can be found at: <https://www.euroncap.com/en>~~

#### 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-private hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.~~
- ~~h) (New vehicles only) 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; The Council will carry out checks on the gov.uk checking facility prior to granting a licence, and may carry out periodic checks during the course of the licence period;~~
- 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 ~~that a vehicle has not undergone an MOT test as required 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 for vehicles less than 10 years old is once per year. For vehicles over 10 years old then the frequency is every 6 months. Vehicles~~ ~~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;
- ~~Provide the certificate for the joint Disability Equality and Safeguarding and Child Sexual Exploitation Training approved by the Council completed within the previous 3 months 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 (from 1<sup>st</sup> January 2023)~~
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements, where applicable;
- Provide a tax check share code (renewals only)
- 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/request-copy-criminal-record> <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 ~~Any applicant who has, in the 10 years before the application is made, spent 12 months or more (whether continuously or in total) while aged 18 or over living outside the United Kingdom~~ ~~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](mailto: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 Disability Equality and Safeguarding and Child Sexual Exploitation Awareness Training, and Disability Training (from 1<sup>st</sup> January 2023) 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/downloads/file/2325/enforcement-policy-2024-2027><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.

4.2.10 The Council will take any complaint linked to discrimination and/or failures to meet the requirements of the Equality Act 2010 very seriously and where evidence suggests that an offence has been committed, they will consider all available enforcement options, upto and including prosecution.

### 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;
- attendance at a relevant course/test;
- 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 Committee approved Suitability 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 an individual's 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;
- attendance at a relevant course/test;
- 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 [suitability 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 final approval of the Council set tariffs will be made by Cabinet.

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/taxi-licence/hackney-carriage-vehicle-licences><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 that starts within and 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 ~~18<sup>th</sup> October 2022~~**XXXX 2024** and for it to be implemented on ~~18<sup>th</sup> October 2022~~**XXXX 2025** (unless otherwise stated).

## 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 JK – 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,**

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these concerns should be reported.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns 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>

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## 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 proprietor~~ 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 proprietor~~ within 24 hours ~~he/shethey~~ 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. This includes speed awareness courses where no fixed penalty notice is issued. 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 ~~48-72~~ hours if they are questioned, arrested and released, interviewed voluntarily under caution, charged by the Police or convicted of any 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 new application, 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/shethey 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 in an armband on their upper left arm so that it is clearly and distinctly visible whenever he/shethey are 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/shethey must immediately return his/hertheir 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~~ they are 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 and during shifts, and do not work an excessive number of hours in accordance with the existing GB Domestic Drivers Hours Rules for Passenger-carrying Vehicles. The driver must take adequate breaks from driving as required and not return to driving until they feel safe and able to return to work,

[www.gov.uk/drivers-hours/gb-domestic-rules](http://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 form 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/their 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 in the event that the vehicle has to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, your the 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 including the duties placed upon you by

the Equality Act 2010. 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~~their~~ licence.**

**I acknowledge receipt of this code of conduct**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed: \_\_\_\_\_

DRAFT

## 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; all documentation and information as required;
- 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;~~

~~7. their certificate proving they have successfully completed the Council's in house knowledge test;~~

~~8.6.~~ 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 Council's Convictions Suitability 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.

9.7. When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.

10.8. 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.

11.9. 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

12.10. 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).

13.11. 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 (except those that have been filtered in line with Home Office guidance), including driving endorsements and disqualification periods relating to traffic offences.**

14.12. 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.

15.13. 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 Council's suitability guidance ~~guidance set out in Appendix J~~. However, the principal consideration will be to ensure the safety and welfare of the public.

16.14. Any applicant who has, in the 10 years before the application is made, spent 12 months or more (whether continuously or in total) while aged 18 or over living outside the United Kingdom. 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 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](mailto: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;
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

~~An overall 75% pass mark is required to pass the knowledge test 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/they 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.

### Disability Equality, Safeguarding and Child Sexual Exploitation Awareness

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

~~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 standard required is the 'Group 2 Entitlement'.

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~~dual 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~~dual driver. This will be tested as part of the Knowledge Test, and ~~interview appointment~~any correspondence. 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.
2. Accident damage – The ~~proprietorewner~~ 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 ~~proprietorewner~~ 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.
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.
7. 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.
8. 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

9. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
10. Maintenance programme – The ~~owner/driverproprietor~~ must at all times ensure that the vehicle is properly and regularly maintained. The ~~owner+proprietor~~ 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.



11. 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.
12. 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.
13. Seats - The seats of the vehicle must be properly cushioned and covered.
14. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
15. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
16. 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
- ~~17. 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~~
18. 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**

19. 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.
20. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The CCTV units must be installed in accordance with the appropriate legal framework. 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**

21. 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.
22. 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.
23. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
24. 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.

25. 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.
26. 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.
- ~~27. 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**~~
28. 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.
29. 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.
30. Advertisements - The owner must not display any advertisements on or in the vehicle
31. 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.
32. 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.
33. 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**

34. 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**

35. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
36. 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.
37. 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**

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



39. ~~The driver may carry any animal belonging to a passenger at their 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 in the event that the vehicle has to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, the vehicle has an airbag and it is not lying in the footwell you must notify the owner. 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.~~
40. Paragraph 398 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

41. Comply with all other relevant statutory requirements including the duties placed upon you by the Equality Act 2010. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.
42. 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.

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# APPENDIX E

## HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

### 1. Vehicle Age~~Vehicle criteria~~

~~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.~~

~~All new vehicles that are powered solely by an internal combustion engine must be Euro 6 Emissions Compliant. Upon first application all vehicles must be less than 7 years old~~

#### Vehicle Emissions and Carbon Neutrality

1) With effect from 01 April 2025, the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

2) From 01 April 2025, until 31 March 2026, the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

3) From 01 April 2027, the Council will stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.

4) On 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.

5) On 31 March 2035, the Council will stop the licensing of hybrid vehicles and all vehicle that do not have Zero tailpipe emissions.

6) All vehicles over the age of 10 years will be subject to Council Safety inspections every 6 months.

### **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 at to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. These Grandfather Rights

~~may be transferred from one proprietor to another when a hackney carriage vehicle is transferred between those two parties. Once a hackney carriage vehicle licence expires or lapses, the Grandfather Rights will cease to have any effect. 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 that are~~ 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) Rear passenger windows may be tinted but must be factory/manufacturer fitted. No aftermarket tinting is permitted;
- 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, the plates will be issued authorising the maximum number of passenger seats that can be used at any one time. (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.

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## 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 proprietorewner 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 proprietorewner 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 in writing 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/s 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.
7. 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.
8. 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

9. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
10. Maintenance programme – The proprietorewner/driver must at all times ensure that the vehicle is properly and regularly maintained. The proprietorewner must have in place a programme to ensure that vehicles are inspected regularly and record this in writing and retain for a period of 12 months. 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.



11. 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.
12. 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.
13. Seats - The seats of the vehicle must be properly cushioned and covered.
14. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
15. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
16. 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
- ~~17. 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~~
18. 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**

19. 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.
20. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The CCTV units must be installed in accordance with the appropriate legal framework. 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**

21. 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.
22. 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.
23. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
24. 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 of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.

- ~~25. 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.~~
- ~~26. Other Identification – Each private hire vehicle, unless granted an exemption by the Council, must display door livery (as detailed in conditions 25 and 28).~~
27. Roof sign – Are not permitted to be used on Private Hire Vehicles
28. 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. Proprietor is prohibited from displaying any door livery and/or signage that identifies the vehicle as a private hire vehicle or the operator/s that the vehicle works with.~~
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, 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 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

33. 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

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 private hire vehicle.
36. 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

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 their 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 in the event that the vehicle has to stop quickly. N.B. if you are carrying an animal in the front of the vehicle, the vehicle has an airbag and it is not lying in the footwell you must notify the owner. 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 386 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 issue 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

40. Comply with all other relevant statutory requirements including the duties placed upon you by the Equality Act 2010. 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.

### **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.

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## APPENDIX H

### PRIVATE HIRE VEHICLE SPECIFICATIONS

#### 1. Vehicle Age Criteria

~~All new vehicles that are powered solely by an internal combustion engine must be Euro 6 Emissions Compliant. Upon first application all vehicles must be less than 7 years old~~

#### Vehicle Emissions and Carbon Neutrality

- ~~1) With effect from 01 April 2025, the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.~~
- ~~2) From 01 April 2025, until 31 March 2026, the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.~~
- ~~3) From 01 April 2027, the Council will stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.~~
- ~~4) On 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.~~
- ~~5) On 31 March 2035, the Council will stop the licensing of hybrid vehicles and all vehicle that do not have Zero tailpipe emissions.~~
- ~~6) All vehicles over the age of 10 years will be subject to Council Safety inspections every 6 months. 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.~~

#### 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.~~

#### 3. 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. Rear passenger windows may be tinted but must be factory/manufacturer fitted. No aftermarket tinting is permitted;
11. Have seats that are properly cushioned and covered;
12. Have a floor provided with a proper carpet, mat, or other suitable covering;
13. Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
14. Provide means for securing luggage if the carriage is so constructed as to carry luggage:
15. Be fitted with an anti-lock braking system
16. Where tilting passenger seats are fitted (**except where these are part of the manufacturer's original vehicle specification), the seat must:-**
  - 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, the plates will be issued authorising the maximum number of passenger seats that can be used at any one time. 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 and colour of the vehicle.

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

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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.

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# 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. Cautions, warnings, motoring convictions and fixed penalties – The operator 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.
4. Charges, Questioning, Interview under caution, Arrests, and Convictions - The operator 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 any criminal offence.
5. When questioned by the Police or appearance in Court, the operator must inform the Police/Court that they are a licensed operator.

6. The operator 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 operator holds a driver, vehicle or operator licence with another authority and that licence/those licences are refused upon new application, refused upon renewal, revoked or suspended.

~~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.**

74. Where the operator is required to notify the Council under conditions 3, 4, 5 or 6, they must provide the Council with details of:

- The offence / mischief;
- The date of conviction / enforcement action;
- The sanction imposed;
- The imposing authority / place;

8. Where the operator licence is held by a limited company, and that limited company is dissolved, becomes insolvent, goes into administration or ceases to operate as a limited company, that licence will be deemed as having lapsed on the date the company is no longer in operation. The licence holder must notify the Council in writing within 72 hours of the company ceasing to operate and return the operating licence.

### Record Keeping

95. 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 and produced within 72 hours upon request by an authorised officer of the Council or a Police Officer. **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.

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

117. 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 the grant an operator's licence, for each member of staff that they employ<sup>ee</sup>. The operator should not employ<sup>ee</sup> any individual that falls below that test. This relates to all employees who receive booking information from customers and those who have access to booking records and related information.

812. 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

913. 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.

1410. 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;
- 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.

1541. 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

1642. 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.

1743. 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

1814. 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.
1915. 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

2016. 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

2117. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.
2218. 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.
2319. 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.
24. Identification of passenger needs – Operators must identify a passenger’s accessibility needs prior to taking a booking, to ensure an appropriate vehicle is provided.

#### Operator Base

250. Limit on operation – The operator must only operate from the base or bases identified on the operator’s licence.
26. Planning permission – The operating base must, where applicable, have appropriate planning permission in place to allow the operation of a private hire operator business from that address.
274. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operate radio equipment requiring such permission.

#### Insurance

282. 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.
- ~~293. MOT – The operator must at all times ensure that each vehicle has a valid MOT test certificate~~

~~if required by law.~~

**Fares**

**3024.** Agreed fare- Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

**Other requirements**

**3125.** The Operator must comply with all other relevant statutory requirements including the duties placed upon them by the Equality Act 2010. 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.

**3226.** 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 held hand mobile telephone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.~~

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 JK

### 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).

DRAFT

## APPENDIX L

### Vehicle Door Signage — Agreed 22.10.2019

HCV:



PHV:



Page	Section	Change
1	N/A	Policy date and implementation date
2	N/A	Date of review
2	N/A	Revision history list reduced and amended
3	Contents	Removal of Appendices J and L
<b>ABOUT THIS POLICY</b>		
5	1.1	Updating of Council Priorities
6	1.1	Updating date of policy approval
6	1.2.4	Appendix update
7	1.2.4	Amended wording and included local policy
7	1.3.1	Page number update
7	1.4.1 and 1.4.2	Clarification on when stakeholders will be consulted
8	1.5.2	Removal of unnecessary text and updated weblinks
8	1.5.4	Wording clarification
9	1.7.1	Updating of licence numbers
9	1.7.2	Fixing typing error
<b>LICENSING PRINCIPLES, DELEGATION &amp; DECISIONS</b>		
10	2.1.2	Inclusion of Public Protection Sub-Committee (PPSC)
10	2.2.1	Removing incorrect statement
10	2.3.1	Removing incorrect statement
11	2.3.2	Summarising of relevant considerations for PPSC
11-12	2.4.5	Removal of duplicate provisions
12	2.4.8	Wording clarification
12	2.4.9	Addition of Immediate suspension power
<b>TYPES OF LICENCE &amp; APPLICATIONS</b>		
13	3.1.1 (d)	Wording clarification and Removal incorrect statement
14	3.1.3	Inclusion of weblink and wording clarification
14	3.1.4	Updated provision on requirements relating to overseas criminal record checks
14	3.1.5	Updated weblink
15	3.1.9	Renaming NR3S
15	3.1.11	Removing unnecessary wording
16	3.2.1	Removal of duplicate provisions
16	3.2.3 and 3.2.4	Updating wording for driver application requirements, how satisfactory English will be assessed and removing provision allowing a medical report being based on summary care records
17	3.2.5	Updating wording for driver renewal application requirements, removing provision allowing a medical report being based on summary care records and clarification that historic data may be used when assessing applications
18	3.2.8	Updating wording
18-20	3.2.9-3.2.24	Removal of sections duplicated elsewhere in policy and/or statutory requirements
20	3.3.9	Removal of wording inconsistent with other section of policy
21	3.3.10 and 3.3.11	Removal of sections duplicated elsewhere in policy
<b>21</b>	<b>3.3.13</b>	<b>Reinstating of grandfather rights for Hackney Carriages</b>
22	3.3.15	Removal of wording

22	3.3.16	Removal of requirement to submit MOT certificate and Garage test certificate for new and renewal applications, and amending provision around V5 logbook requirements
23	3.3.17	Updated MOT requirements
23	3.3.19 and 3.3.21	Wording clarification
24	3.3.25 to 3.3.28	Removal of mention of advertising as duplicated in policy, <b>requirements to display door signage</b> , CCTV information and trailers
26-28	3.3.38-3.3.49	Removal of wording duplicated in other sections of policy
27-28	3.4.2	Updating private hire vehicle guidance note and link
28	3.4.7	Removal of wording inconsistent with other section of policy
28-29	3.4.8 and 3.4.9	Removal of sections duplicated elsewhere in policy
29	3.4.10	Removal of grandfather rights provisions for private hire vehicles
29	3.4.11	Removal of wording
30	3.4.13	Removal of requirement to submit MOT certificate and Garage test certificate for new and renewal applications, and amending provision around V5 logbook requirements
30	3.4.14	Updated MOT requirements
31	3.4.16	Wording clarification
32	3.4.23-3.4.26	Removal of mention of advertising as duplicated in policy, <b>requirements to display door signage</b> , CCTV information and trailers
33-34	3.4.33-3.4.42	Removal of wording duplicated in other sections of policy
36	3.5.11	Updating wording for operator application requirements and addition of right to work requirements, and tax share code
36	3.5.13	Updated weblink
36	3.5.16	Updated provision on requirements relating to overseas criminal record checks
37-38	3.5.21-3.5.23	Removal of wording duplicated in other sections of policy
38	3.5.25 and 3.5.26	Removal of contract provision as not in accordance with recent case law, and removal of wording duplicated in other sections of the policy
38	3.5.27	Wording clarification
COMPLIANCE, ENFORCEMENT AND COMPLAINTS		
39	4.1.2	Updated weblink
39	4.1.4	Removal of wording
40	4.2.10	Additional provision around how Council will deal with incidents of discrimination
41	4.3.1 and 4.3.3	Inclusion of alternative enforcement option and updating reference to suitability guidelines
42	4.3.4	Inclusion of alternative sub-committee option and updating reference to suitability guidelines
FARES AND FEES		
43	5.4	Clarifying that tariffs are set by Cabinet and updating weblink
43	5.6	Wording clarification
POLICY CONSULTATION		
44	6.0	Updating date of policy approval



APPENDICES - List of		
45	Appendices	Removal of Appendices J and L
47	Appendix A	Updating weblink
48-52	Appendix B – 3, 4, 5, 7, 8, 11, 13, 15, 25, 33, 35, 36, 38, 40	Updated wording for clarification and/or consistency, removal of notification requirements and <b>removal of requirement to sign document.</b>
53-54	Appendix C – 5, 6, 7, 10, 12, 14	Updated wording for clarification and/or consistency, and removal of duplicated information
54	Appendix C –15	Updated provision on requirements relating to overseas criminal record checks and removal of duplicated information
<b>56</b>	<b>Appendix C – 23</b>	<b>Updated provisions on passing taxi knowledge test and when an applicant can apply for a licence</b>
56-57	Appendix C – 27	Updated provisions on training requirements
57-58	Appendix C – 28, 32, 34, 38	Updated wording for clarification and/or consistency
59-63	Appendix D – 2, 3, 10, 17, 20, 27, 39, 40, 41	Updated wording for clarification and/or consistency, removal of requirement to carry first aid kit and fire extinguisher, removal of requirement around displaying signage and <b>removal of requirement to sign document.</b>
<b>64-67</b>	<b>Appendix E – 1, 2, 3</b>	<b>Proposed new vehicle criteria for Hackney Carriages, Reinstating of grandfather rights for Hackney Carriages</b> and wording clarification for consistency
69-74	Appendix G – 2, 3, 4, 6, 10, 17, 20, 25, 26, 28, 38, 39, 40	Updated wording for clarification and/or consistency, removal of requirement to carry first aid kit and fire extinguisher, removal of requirement around displaying signage and <b>removal of requirement to sign document.</b>
<b>75-79</b>	<b>Appendix H – 1, 2, 3</b>	<b>Proposed new vehicle criteria for Private Hire Vehicles,</b> Removal of grandfather rights for private hire vehicles and wording clarification for consistency
80-84	Appendix I – 3, 4, 5, 6, 7, 8, 9, 11, 24, 26, 29, 31, 32	Updated wording for clarification and/or consistency, inclusion of Council position on limited companies ceasing to trade, inclusion of condition to ensure operators identify any needs a passenger may have and removal of requirement to sign document.
<b>85-87</b>	<b>Appendix J - all</b>	<b>Entire appendix removed to be kept as a separate document to policy</b>
88	Appendix K	Amended to new Appendix J
91	Appendix L - all	Entire appendix removed as signage no longer in policy requirements

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## PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 9th October, 2024  
Time of Commencement: 6.00 pm

[View the agenda here](#)

**Present:** Councillor Stephen Sweeney (Chair)

**Councillors:** Barker MBE                      Brown                      J Williams

**Officers:** Claire Ryles                      Licensing Enforcement Officer  
Melanie Steadman                      Licensing Enforcement Officer

1. **APOLOGIES**

All members were present.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:** That the public be excluded from the meeting during consideration of the following matter because of the likelihood of 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.

4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 1**

The Sub-Committee considered a relevant matter which fell outside of Council Policy in the presence of the applicant and his legal representative.

After careful consideration of the officers' report, the Department for Transport's Statutory Standards and the Council's policy and guidelines, the Sub-Committee agreed as follows.

**Resolved:** That the Dual Driver licence be revoked.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 2**

The Sub-Committee considered a relevant matter which fell outside of Council Policy in the presence of the applicant and a friend attending for moral support.

After careful consideration of the officers' report, the Department for Transport's Statutory Standards and the Council's policy and guidelines, the Sub-Committee agreed as follows.

***Public Protection Sub-Committee - 09/10/24***

**Resolved:** That the Dual Driver licence be revoked.

6. **URGENT BUSINESS**

There was no urgent business.

**Councillor Stephen Sweeney  
Chair**

Meeting concluded at 7.30 pm